

May 8, 2007



TRANSCRIPT
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MONTGOMERY COUNTY COUNCIL

Councilmember Marilyn Praisner, President
Councilmember Phil Andrews
Councilmember Marc Elrich
Councilmember Nancy Floreen
Councilmember Duchy Trachtenberg

Councilmember Michael Knapp, Vice-President
Councilmember Roger Berliner
Councilmember Valerie Ervin
Councilmember George Leventhal



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1 Council President Praisner,

2 Good morning, ladies and gentlemen. We apologize for being late but the Council had
3 an important discussion and it ran over a little bit so with your indulgence and
4 permission we will begin now. And we will begin with invocation by Reverend Don Kelly
5 of the Olive Branch Community Church. And I would ask everyone, after we have heard
6 from Reverend Kelly, if you would remain standing just for a moment more to remember
7 Mark Hopco who was a firefighter for Montgomery County who lost his battle with
8 cancer recently. And we want to remember Mark and his family in our prayers. This has
9 been a very difficult time for our public safety community and we need to reach out to all
10 of them. Reverend Kelly.

11
12 Reverend Donald R. Kelly,

13 Good morning and thank you. Let us pray. This is a day that the lord has made. Let us
14 all rejoice and be glad in it. As we come this morning, we come seeking wisdom,
15 seeking knowledge. And we have come, oh god, asking that you will share it with all of
16 us as we gather here on this date. We remember, lord, Mark and his family. We pray for
17 this Council and those who serve the public. And each of us has come here today, we
18 come seeking answers but we pray that we will also be followers of you as you guide us
19 through these days and these times in our community. A time when our public safety
20 persons are having a difficult time. Strengthen them day by day. Strengthen our
21 community. Now give wisdom to this Council as they make decisions, decisions that will
22 affect the lives of all in our communities both young and old. We pray this, because you
23 are the one who have all wisdom and all knowledge. We pray. Amen.

24
25 Council President Praisner,

26 Amen. Thank you very much Reverend Kelly. Thank you all very much. The first item
27 we have today is a proclamation in recognition of Teresa Goodman who is our Agnes
28 Meyer Teacher of the Year. Is Teresa here? Oh great. I should recognize you from your
29 pictures. I am very pleased to recognize this outstanding teacher from Blake High
30 School in my neck of the woods, who's much more than an effective, very effective
31 Spanish teacher. She's also a great advisor and role model for teachers throughout the
32 County and the state and the region and also a great role model from a standpoint of
33 her philosophy. Let me read you a couple of things that were in the Montgomery County
34 Public Schools bulletin. First of all, she is an encourager to the students who want to be
35 involved and gets students involved. With her encouragement a student who was
36 attending a County meeting on drunk driving issues was encouraged to get involved
37 and run for President and became President of Montgomery County's Student's Against
38 Drunk Driving. She is not just, as I said, in her Spanish classes but in many
39 extracurricular activities, a strong supporter of students whether it's mentoring or just
40 interacting with those students in the halls. Students learn says Carol Goodman, no
41 relation?

42
43 Teresa Goodman,
44 No relation.



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Council President Praisner,

No relation, who is the principal, an award-winning principal I might add, at Blake High School. But Carol says that students learn far more than a love of the Spanish language and culture. They learn important life lessons about tolerance, resilience, respect and valuing differences. I do the things that I do, says our award winner, because I adore the children and I want to witness their happiness and success. There is nothing greater than the look that a child gives you when you have touched his or her heart, mind and future. That is a job that I could do for free. But we are not going to take back your salary. (laughter) I just want to make sure you know that. Some students need a little encouragement in order to challenge themselves in their curriculum. And so this teacher inspires others to become teachers as well. And one student, -- Townsend said I know I will take everything that I have learned from her, in hopes of being half as good a teacher as she is. So whereas, each year the Washington Post honors exceptional men and women in the teaching profession by awarding \$3,000 to an outstanding teacher selected in each of the 19 local school systems, and one award to a teacher from a private school. Whereas, Teresa Goodman, a Spanish teacher at James Hubert Blake High School is this year's recipient of the prestigious Agnes Meyer Outstanding Teacher Award from the Washington Post. Whereas, students learn far more than a love of the Spanish language and culture from Ms. Goodman. And whereas teachers from around Montgomery County have sat in her classes to learn how she motivates students, balances rigor and differentiation, and effortlessly, I'm having trouble this morning with those long words, executes daily lessons. And whereas, Teresa Goodman has mentored students and teachers alike while still finding time to be involved in many extracurricular activities such as SGA advisor, student service learning coordinator, SADD sponsor, "Race for a Dream" coordinator, and junior varsity cheerleading coach. And whereas Teresa Goodman's impressive efforts exemplify how education professionals who are committed to academic excellence can open the doors of success for the young people of Montgomery County. Now, therefore be it resolved that the Montgomery County Council congratulates Teresa Goodman on her outstanding achievement on receiving the Agnes Meyer Outstanding Teacher Award and thanks her for the past, present and future work to light the lamp of learning for Montgomery County students. And it's presented this eighth day of May and signed by me as Council President. Congratulations.

Teresa Goodman,

(applause) I would just like to say that I am very honored and humbled by this experience. I represent a large, large number of dedicated teachers who work in Montgomery County and across Maryland and the country to better the future of our students. And I am very honored to be here today. Thank you very much.

Council President Praisner,

Thank you.



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1 Unidentified

2 (applause) --and other people are too so just keep smiling.

3
4 Council President Praisner,

5 (laughter) Okay. Anyone else? Okay, thank you. Okay, we have Councilmember Ervin
6 who is going to present proclamations in recognition of Montgomery County high school
7 students finalists and semifinalists in the Intel Science Talent Search. And so if they
8 would all come forward. Up here.

9
10 Councilmember Ervin,

11 Up here.

12 Council President Praisner,

13 And she'll be joined by some of her colleagues as well. Councilmembers Berliner and
14 Andrews.

15
16 Councilmember Ervin,

17 Good morning everyone. This is actually the fun part of being a County Councilmember.
18 We are blessed in Montgomery County to be home to the nation's best high schools.
19 Newsweek Magazine has ranked all Montgomery County high schools in the top 3%
20 nationally. Today, however, we are honoring 15 Montgomery County public high school
21 students for their extraordinary accomplishments. Twelve students are from
22 Montgomery Blair High School and the others students are from Wootton, Bethesda-
23 Chevy Chase and Walt Whitman High Schools. In 1985 Blair High School opened its
24 science, math and computer science program. It offers accelerated interdisciplinary
25 courses in science, mathematics, and computer science. The program accepts 100
26 students from across the County. Magnet students have been finalists and the winners
27 of the National Science Bowl, National Merit Semifinalists, Montgomery County Science
28 Fair Grand Award winners, first place winners in the Intel International Science and
29 Engineering Fair, national winners in the NASA Space Science Student Involvement
30 Project and the list goes on. The Magnet Program has also had more semifinalists in
31 the Intel Science Talent Search than any other school in the state of the Maryland for 9
32 years running and the most nationally the past two years despite enrollment of only
33 around 100 students per year. We are joined today by Denis Heidler, the Blair High
34 School Magnet Coordinator for Math, Science And Computer Science. I would also like
35 to ask that Roger Berliner and Councilmember Phil Andrews from District 3 and District
36 1 respectively join me in making this presentation. I am the proud parent of two
37 Montgomery High School graduates. I was a former PTA President at Blair High School
38 which is how I think I got my political career started many years ago. So I am very proud
39 of all the students behind me and I will read the proclamation now. Whereas, Intel
40 Science Talent Search is one of the most prestigious and rigorous science competitions
41 for high school students in the United States and is often called the "Junior Nobel Prize";
42 and. Whereas, 300 semifinalists were selected from a record 1705 applicants from 46
43 states, the District of Columbia and Puerto Rico and representing 487 schools; and.
44 Whereas 15 Montgomery County public school students were recently named



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1 semifinalists in the 66th Intel Science Talent Search, having submitted highly advanced
2 projects for review in fields ranging from physics to computer science, medicine, earth
3 science and beyond. And whereas each of the 300 outstanding achievers receive
4 \$1,000 in recognition of his or her accomplishment; and each school attend by a
5 semifinalist received \$1,000 per semifinalist for its science and math education
6 programs. And whereas 12 of the semifinalists attend Montgomery Blair High School
7 and Wootton, Bethesda-Chevy Chase and Walt Whitman High Schools had one
8 semifinalist each. And whereas Montgomery Blair had the second highest number of
9 semifinalists in the nation behind only Thomas Jefferson High School for Science and
10 Technology in Fairfax County, Virginia. And whereas, two of these remarkable students
11 Montgomery Blair High School seniors Brian Lawrence and Richard McCutchen were
12 named finalists in the talent search and received a \$5,000 finalist check. Now, therefore
13 be it resolved that the Montgomery County Council recognizes and commends, and I'm
14 going to read all of their names, Joseph Davis, Merlyn Deng, Andrew Durnford, Cyril
15 Lan, Brian Lawrence, Rachel Lee, Richard McCutchen, Neil Mendhiratta, Ethan
16 Schaler, Joshua Yanovski, Victoria Yao, Allen Zhang of Montgomery Blair High School;
17 David Sheng of Wootton High School; Beatrice Parker of Bethesda-Chevy Chase High
18 School and David Chen of Walt Whitman High School on their impressive achievement
19 and extends its best wishes to each of them as they continue in their chosen fields
20 presented on this 8th day of May in the year 2007 signed by Council President Marilyn
21 J. Praisner. And I would like to bring up the teacher from Blair who is representing these
22 brilliant students and ask you to make a few comments.

23
24 Denis Heidler,

25 First of all, my name is Denis Heidler. I am the coordinator of the Magnet Program at
26 Blair High School. I've had the honor of teaching many of these students but I am really
27 just humbled by the research coordinator that we have at Montgomery Blair. And
28 unfortunately this is her year to go out with a bang and so I'd like to say thank you to
29 Glenda Torrence, Dr. Glenda Torrence will be retiring after this year. She has helped
30 many of these students find mentorships and research experiences throughout
31 Montgomery County and the Metropolitan area that allow these sort of awards to occur.
32 We are very proud of our students and what they have achieved. We know they are
33 going to go on to succeed and do well in everything that they do. And we thank all of
34 them and especially Dr. Torrence.

35
36 Councilmember Ervin,

37 Thank you very much. (applause) (multiple voices) Okay, so no Wootton students. How
38 about Chevy Chase? And I will start at this end. This is your proclamation.
39 Congratulations. (multiple voices) Before you all leave I want you to really quickly go to
40 the microphone and tell everybody what your project was. (laughter) Because I could
41 not pronounce them. Do that quickly so we have an idea of what your --.

42
43 Council President Praisner,

44 Why don't we start on the left there and just go past it.



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1
2 Neil Mendhiratta,

3 My name is Neil Mendhiratta and my project was working with software and hardware
4 that is used to track patient conditions in trauma settings such as emergency
5 departments and mass casualty disasters and it was a implementing a new algorithm to
6 analyze their stability and condition in order to know whether they need inpatient care or
7 not.

8
9 Joseph Davis,

10 Hi. I am Joe Davis. I worked at the University of Maryland College Park under Dr. Mark -
11 - and my project was entitled Anti-apoptotic Proteins CED-9 and Bcl-xl Directly
12 Disassemble Ceramide Channels.

13
14 Councilmember Berliner,
15 Is that in English?

16
17 Joseph Davis,

18 It's in cellular molecular biology.

19
20 Allen Zhang,

21 Hi. My name is Allen Zhang. I also worked at the University of Maryland under Dr. Yu.
22 My project was working with fiber optics and lasers to create a three-dimensional optical
23 trap in a solution and make it --.

24
25 Cyril Lan,

26 My name is Cyril Lan. I worked at NIST under Dr. Garnet Bryant. My project was called
27 – Dynamics of Excitons in Semiconductor of Quantum Dots. And my project was
28 modeling electron behavior in quantum dots to try to make a quantum computer.

29
30 Unidentified

31 Wow.

32
33 Victoria Yao,

34 Hi, my name is Vicki Yao. And I worked at NIH under Dr. Zhao and my project was data
35 – of Chromatin Domains Interacting with the Hox-Gene Clusters for the Novel Genome-
36 wide Approach.

37
38 Council President Praisner,

39 Sure.

40
41 Rachel Lee,

42 Hi, my name is Rachel Lee. And I worked with Dr. Heong Kim at the National Institute of
43 Health. My project title was Effect of Plasma Membrane Compositions on Akt Function
44 and it basically manipulated protein activity in – cells to save them.



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Ethan Schaler,

Hi, my name is Ethan Schaler. I worked at NASA Goddard Space Flight Center under Dr. Michael Prucker. And my project involved analyzing magnetic fields of the moon's south polar region and using those to refine predictions on potential deposits of water ice.

Beatrice Parker,

I am Beatrice Parker. I worked at the National Institutes Of Health under Dr. Jay --. And my project was Conditioned Place Preference Testing Reveals a Role for Mind Bomb in the Establishment of Long-term Memory in Zebrafish -- to behavioral testing in zebra fish and found a second function for a gene.

Joshua Yanovski,

My name is Josh Yanovski. I did a research project in computer science at the University of Maryland under Dr. William Gesarch called Approximating Graph Isomorphism. And basically it's a math problem.

Council President Praisner,

Thank you.

Andrew Durnford,

My name is Andrew Durnford. I worked at NIST under Dr. Edwin Fuller and my project was Improving Computer Simulations of Low Thermal Expansion Ceramic Composites.

Richard McCutcheon,

I am Richard McCutcheon and I did a project in computer science with Dr. Semir Kohler at the University of Maryland. I looked for a better way to assign people to posts of some kind based on their preferences. So, this could be for housing or tasks or anything so I wanted it to be fair and automatable by computer.

Councilmember Ervin,

All right. Thank you, all very much. And this is why we spend the kind of dollars we appropriate in Montgomery County for our very, very excellent school system. And I am so proud of all these young people. Because they are going to be the future Nobel Prize winners of the world. So, we are very proud of them. Thank you, all very much.

Unidentified

(applause multiple voices) Thank you.

Council President Praisner,

(applause) Thank you, all very much. And congratulations to all these fabulous students in your work and your recognition.



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1 Councilmember Leventhal,
2 Madam President?

3
4 Council President Praisner,
5 Yes.

6
7 Councilmember Leventhal,
8 I would just like to tell the students that my late mother Dr. Bridgette Leventhal was a
9 judge for the predecessor of the Intel Science Talent Search when it was the
10 Westinghouse Science Talent Search. It was one of the favorite things that she always
11 did every year was to meet young scientists and I know she would want me to tell you
12 that.

13
14 Council President Praisner,
15 Wonderful connection. (laughter) Okay, folks, I know our young people may need to
16 leave and we certainly appreciate their staying for and waiting for us. We are sorry we
17 are late. General Business items, Madam Clerk.

18
19 Linda Lauer,
20 We have a couple of added Committees this week. The Education Committee needs to
21 meet tomorrow morning at 8:00 a.m. The PHED Committee will meet on Thursday may
22 10th at 8:30.

23
24 Council President Praisner,
25 That's because we have such a good time together, we can't bear the withdrawal.

26
27 Linda Lauer,
28 Morning till night.

29
30 Council President Praisner,
31 Yes.

32
33 Linda Lauer,
34 Then for petitions, we have received a number of petitions supporting funding for
35 various programs. We had the Housing Initiative Fund, Rebuilding Together, The Latino
36 Outreach Program and the Rockville Emergency Assistance Program.

37
38 Council President Praisner,
39 Thank you. Are there Minutes Madam Clerk?

40
41 Crystal Brockington,
42 The Minutes of April 24th as well as the closed session minutes of March 27th.

43
44 Council President Praisner,



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1 Is there a motion?

2
3 Councilmember Andrews,
4 So moved.

5
6 Council President Praisner,
7 Councilmember Andrews.

8
9 Councilmember Trachtenberg,
10 Second.

11
12 Council President Praisner,
13 Second Councilmember Trachtenberg. Those in favor please indicate. That's
14 unanimous among those present.

15
16 Council President Praisner,
17 We now moved to the Consent Calendar, do I have a motion?

18
19 Councilmember Knapp,
20 So moved.

21
22 Council President Praisner,
23 Council Vice-President Knapp. Is there a second?

24
25 Councilmember Floreen,
26 Second.

27
28 Council President Praisner,
29 Second, Councilmember Floreen reluctantly seconds the motion on the Consent
30 Calendar. Are there any items that Councilmember would like to pull or comment on?
31 Councilmember Berliner.

32
33 Councilmember Berliner,
34 Let me defer to the Chairman.

35
36 Council President Praisner,
37 Okay.

38
39
40 Councilmember Knapp,
41 Thank you Madam President and thank you Councilmember Berliner. I just wanted to
42 reference item C which is Special Appropriation Montgomery County Public Schools for
43 their Relocatable Classrooms in the magnitude of \$3.5 million. Mr. Berliner last week
44 had circulated a memo to, I believe it was all Councilmembers.



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Unidentified,
Yeah it is.

Councilmember Knapp,
Okay. To try – the Education Committee asking us to look into protocols for portables and we raised, the Committee raised this during our CIP discussion last week. And in response to that, we have received a document outlying how the protocols are used for current portables in response to Mr. Berliner's request. And so I just wanted to make sure I have given a copy to all Councilmembers and sort through additional questions. Please feel free to send to the Committee or we will follow-up with MCPS.

Council President Praisner,
Okay. Thank you very much. Do you want to comment Councilmember Berliner next?

Councilmember Berliner,
Only that I was pleased to see this response and look forward to reviewing it. It's nice that we do have protocol standards. I am sure that the community is pleased with respect to that because it has been an ongoing concern and issue. And obviously not in a position at this moment to determine its adequacy but appreciate that we have gotten this response and look forward to working with the Committee with respect to it.

Council President Praisner,
Okay. Then I don't know if there are other comments. But all in favor of the Consent Calendar please indicate by raising your right hand. It is unanimous. Nancy are you voting? Yeah. Okay. Unanimous among those present. Thank you. We now move into District Council Session. And we have a Zoning Text Amendment 07-05, Site Plan Amendments, Procedures sponsored by Councilmember Leventhal. I am going to let Councilmember Leventhal make some comments and then I assume he would be the maker of a motion to establish the public hearing on June 12th at 1:30 p.m. Councilmember Leventhal, do you want to comment?

Councilmember Leventhal,
Thank you. I do move the public hearing date. And I just wanted to pass down to my colleagues a letter, one of many communications we received from a variety of homeowner associations in Montgomery Village. I know that this issue affects associations elsewhere, Montgomery Village in particular. Many of the, much of the development there when it was originally done did not have site plans and so they've been very, very concerned that in order to do a relatively simple thing, plant a new tree or erect a tool shed or minor items that could simply be permitted and approved now have to be approved by the full Planning Board because of the very well meaning legislation that our predecessor Council passed a year ago. We knew that there were decisions made by staff that probably should have gone before the full Planning Board but as a result we said that even the smallest site plan amendments must now be



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1 approved by the entire Planning Board. That has posed a hardship. You know, as often
2 occurs in the case of omnibus legislation, we need to make some technical and refining
3 corrections. And I think that this creating in effect, a deminimus exception for minor site
4 plan changes that could be approved by the Planning Director and not by the full
5 Planning Board will obviate the need for a number of homeowner associations in our
6 County to hire expensive counsel and prepare a case before the full Planning Board
7 and wait many months until a matter can be scheduled. So, that is the purpose of this
8 amendment. It has been reviewed by the ZTA Committee, the advisors, the ZTA
9 advisors and I appreciate the co-sponsorship of my colleagues Vice-President Knapp
10 and Councilwoman Floreen.

11
12 Council President Praisner,
13 Okay. I see a couple of other lights. Councilmember Ervin was first.

14
15 Councilmember Ervin,
16 I'd like to add my name as a co-sponsor.

17
18 Council President Praisner,
19 Councilmember Floreen.

20
21 Councilmember Floreen,
22 Thank you Madam President. I just wanted to note as the Chairman of the Planning
23 Board indicated yesterday to the Council, that this was an initiative that he very much
24 supported. And so I am hopeful that we will be able to correct a bit of over reaching that
25 perhaps the Council engaged in last year with this. Thanks.

26
27 Council President Praisner,
28 Council Vice-President Knapp.

29
30 Councilmember Knapp,
31 Thank you Madam President. Thank you Mr. Leventhal. It's a pleasure to co-sponsor
32 this. When we passed legislation a year and a half ago that required the Planning Board
33 look at all of the various site plan amendments, we recognized they would probably be
34 coming back to us. And so, I appreciate the Planning Board Chair's comments
35 yesterday and look forward to the feedback as to the best way to implement this and
36 appreciate Mr. Leventhal for his efforts putting this together and thank you Mr. Zyontz.

37
38 Council President Praisner,
39 I have a couple of comments before we vote on the public hearing that I would like folks
40 to be prepared to comment on either at the public hearing or in Committee discussion.
41 Some of the comments I have seen from Montgomery Village relate to making
42 modifications to playgrounds, fences, et cetera which I definitely consider minimal and
43 deminimus. But, in this list on circle four, on lines 49 through 55 are things like grading
44 and storm water management and parking and loading areas, which in my view, are a



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1 little more, could be a little more than de minimus, unless we, especially since they are
2 separate from any other planning element that the Planning Board, in approving the site
3 plan has designated as minimal. That would allow the community to comment on what
4 they believe is minimal. But I have seen too many grading places where runoff becomes
5 a problem for neighbors and where a parking lot might be expanded or a loading area
6 changed, that could have more than a de minimus or minimal effect. Modifying existing
7 as opposed to increasing size or moving is the issue that I would like the Planning
8 Board and their comments to us to respond to. And I personally am looking for more
9 refinement in the identification or tailoring of these issues so that we don't have an
10 unintended consequence. So I need a second to the resolution.

11
12 Councilmember Knapp,
13 Second.

14
15 Council President Praisner,
16 Seconded by Vice-President Knapp. All in favor of setting the public hearing for this item
17 on June 12th at 1:30 p.m. Please indicate by raising your hand. It is unanimous among
18 those present. Thank you. We are now going to move into our Capital Budget,
19 Operating Budget and CIP Amendment worksessions. The Council is scheduled to
20 recess at 12:30. I would like to try to keep to that so we have at least an hour before we
21 have to come back up here for public session. I also understand that to the extent that
22 we have items left over from Public Works And Transportation, they will have to be dealt
23 with this afternoon before we get to the other departments. So with that in mind, I would
24 hope that we can obviously go through each item which we must do, but
25 Councilmembers keeping an eye on the clock as well. Council Chair for the
26 Transportation and Environment Committee, Councilmember Floreen.

27
28 Councilmember Floreen,
29 Thank you Madam Chair. Of course, if you like we can just approve this by unanimous
30 consent and we'll be done. Let me just say one thing. The Council does need to be
31 gentle with DPWT today. We have a returning Director Art Holmes here with us who has
32 been on a medical leave and his blood pressure cannot be affected by the Council.

33
34 Council President Praisner,
35 I thought you were going to say he would hit us with the cane.

36
37 Councilmember Floreen,
38 (laughter) You got your weapons, Madam President. (multiple voices) At least you are
39 indeed evenly matched. A rare event indeed. We'll try to get the high spots here and I,
40 as you can see, we need to be very kind.

41
42 Council President Praisner,
43 That's only for Art. It's not for Edgar or Allen.



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1 Councilmember Floreen,

2 Oh no, that's a blanket admonition. Mr. Holmes would you like to make any comments?

3 I know that we may not have too much of your time this morning.

4
5 Arthur Holmes, Jr.,

6 This may sound strange but I am very happy to be back before the Council here. And I
7 would like to thank you for the courtesies and the way that you handled the staff. We've
8 talked and I think that they've had very good discussions. I know that there are some
9 things we did not agree on. However, I think that we are all moving in the right direction
10 to improve the elements that are within the Department of Public Works and
11 Transportation. Again, thank you for your courtesies.

12
13 Councilmember Floreen,

14 And Director Holmes I want you to know that you have been very ably represented by
15 Mr. Roshdieh and Mr. Gonzalez. Though, well, -- some other comments. With respect to
16 some of our other efforts, but with respect to the budget, I think we have done what we
17 can to support the department. Let me just, I am going to work with Glenn on this and
18 Glenn you correct me where I've missed some important points. The DPWT's proposed
19 budget is about 2.5% above the 07 budget as is traditional for transportation. It's tough
20 to keep up. Basically they do have a growth in work years over the, compared to the
21 rest of County government. However, that is mainly due to the planned replacement of
22 the Ride On service which was formerly performed on a contractual basis and now, it's
23 being taken under the department's wing. Generally our recommendations from the
24 Committee reduce cost by \$132,000. We add about \$880,000 to the reconciliation list
25 and some of our recommendations actually increase net revenue. So it's pretty much a
26 wash in my book. What we have tried to do actually is to retain some of the initiatives
27 that we have worked on over the years. Items associated with roadway maintenance,
28 pedestrian countdown signals, tree maintenance in particular. Issues that we've heard
29 loud and clear from the community members that were important to them for their tax
30 dollar expenditure. So, those are where the Committee was going with a number of our
31 recommendations and we hope the full Council will support that. Anything I've left out in
32 the beginning, Glenn? Just feel free to jump in.

33
34 Council President Praisner,

35 I will let, you know when the light goes on.

36
37 Councilmember Floreen,

38 Sure.

39
40 Council President Praisner,

41 My expectation would be as Nancy works through the packet, Glenn if you have
42 comments you want to make or if Councilmembers have questions or if the department
43 wants to jump in, just wave or do so or put your light on. Okay?



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1 Glenn Orlin,
2 Just before we go much further, does everybody have packets 4a and 4b? Because
3 they came out at different times. If you don't, we have extras.
4

5 Council President Praisner,
6 4a was distributed yesterday.
7

8 Glenn Orlin,
9 You need 4A?
10

11 Councilmember Floreen,
12 Yeah. Very important point. It helps.
13

14 Glenn Orlin,
15 Okay. Thank you.
16

17 Councilmember Floreen,
18 Let's see here, there is a lot of detail in here. What we'll go to right now is just some of
19 the program measures, things that have been important to the community. Our sidewalk
20 construction projects, there has been a somewhat negative trend in the linear feet of
21 sidewalks completed. It has been a challenge in terms of finding sufficient funds
22 budgeting for them. But this measure does not involve all the sidewalk production
23 measures in the County, just under the annual sidewalk program project. And it certainly
24 raises the question why don't we track the entire amount of sidewalks. So, Glenn, why
25 don't we make a note about that. We have been working on community outreach issues
26 to keep residents informed of what DPWT is doing because the, as you know, our
27 residents are unhappy when they are surprised by activity in their community. So that's
28 something we have been keeping an eye on. Streetlight issues, again a major
29 annoyance to community members and we have attended to this in terms of requesting
30 updates on how that performance effort is being conducted. And we have pretty good
31 information that most of the streetlights, nearly 99% according to staff, are working at
32 any one particular time. This is a vast improvement over the past couple of years. Our
33 project implementation rates are tricky to track as we all know. Community engagement,
34 the cost of construction, unexpected challenges in the field cause this number as to how
35 much is actually done as anticipated. And a somewhat unpredictable number but we are
36 keeping track of that. And, with respect to resurfacing, always a concern of our
37 community in terms of seeing those roads and pothole, well, not the potholes but the
38 road surface maintained and improved, this is proceeding pretty well and our, the
39 indicator that we have is that 14 more lane miles will be resurfaced in fiscal '08
40 compared to this current year. And that really takes us to the next couple of issues.
41

42 Council President Praisner,
43 Council Vice-President Knapp has a question.
44



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1 Councilmember Knapp,
2 Thank you Madam President.

3
4 Councilmember Floreen,
5 Sure.

6
7 Councilmember Knapp,
8 Just a quick question. It's actually more for the department and we touched on this a
9 little bit yesterday in a couple of different discussions that we had. And I want to first
10 start off by thanking the department because we have got a good system that works
11 and you guys have been very responsive to requests that have come from the district.
12 And I really appreciate your efforts. One of the biggest challenges I find, and Ms.
13 Floreen just touched on this a little bit with kind of lying out the performance measures
14 is, management of expectations. And with a department kind of as broad and diverse as
15 DPWT, it's difficult sometimes to say what are the pieces that fit where. And so, we've
16 had a lot of discussion, other Committees, as it relates to strategic plans, strategic
17 planning documents and in my time here, I have not seen, I don't know if there is a
18 process by which a kind of a strategic plan that's outlined for DPWT. And the reason I
19 am asking is because it helps, especially in our position, to be able to communicate
20 externally with folks – what are the highest list of priorities and how do you begin to
21 focus those resources? You get a question as to how long does it take to do this? Why
22 does it take so long to do this? Do something else?. And if we have got a strategic
23 planning document to be able to use to articulate, here's why these first as opposed to
24 other activities, it's very helpful, and I just haven't seen anything along those lines and
25 so I just wanted to get a sense if have something and where is it.

26
27 Councilmember Floreen,
28 Well, let me just say initially for most of these categories there is a prioritization list
29 which does include the elements of consideration for how things get on that list. But
30 there are processes in place for getting on the list and the biggest challenge for them is
31 the funding capacity that we make available to them on a regular basis. And I'll let Mr.
32 Holmes.

33
34 Arthur Holmes, Jr.,
35 You will find from year to year, you can't have a smooth goal. You have a goal but
36 there'll be certain things that happen. One year you may be 110, 20%, the next year at
37 65%. But we do have our goals set. My goal here for this is an 85% implementation.

38
39 Councilmember Knapp,
40 So, but we don't have a strategic planning document per se?

41
42 Arthur Holmes, Jr.,
43 The ten-year plan.



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1 Councilmember Knapp,
2 The ten-year transportation plan.

3
4 Arthur Holmes, Jr.,
5 Yes. And that goes then, that comes then from the Planning Board and from the plan --.

6
7 Council President Praisner,
8 He's talking about maintenance.

9
10 Councilmember Knapp,
11 I am talking about, what you went into as you do transportation. So you got the ten year
12 transportation plan. But, then there are a variety of other elements that go into it and to
13 get some sense as to what's the strategic plan for all of those pieces and how they kind
14 of complement, fit with each other so we can better articulate to our residents as to
15 where things fit when they've got certain requests.

16
17 Al Roshdiah,
18 Actually, if I may, just --.

19
20 Council President Praisner,
21 Al could you just bend your microphone a little please. Thank you. We were missing it.

22
23 Al Roshdiah,
24 A couple of years ago actually Mr. Knapp, in regards to resurfacing we came with a
25 strategic plan to the T&E and made a presentation that actually it envisioned a plan to
26 start ramping up our funding in six years to get to really on a six-year cycle so we can
27 resurface all the residential roads. So, to answer your question in terms of maintenance,
28 yes, we do have a strategic plan and then we refined it in various areas even in
29 facilities, in maintenance, so maybe I can bring you a copy of that strategic plan so I can
30 show it to you.

31
32 Councilmember Knapp,
33 You have got discrete elements.

34
35 Al Roshdiah,
36 Sure.

37
38 Councilmember Knapp,
39 -- you're resurfacing as a strategic plan. You don't have a department wide strategic
40 plan.

41
42 Arthur Holmes, Jr.,
43 That was my -- That was yours.



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1 Al Roshdiah,

2 In terms of department wide of course Mr. Holmes has a plan in terms of what should
3 be the level of funding at the resurfacing values or maintenance and so there is a plan
4 that he articulated.

5
6 Councilmember Floreen,

7 Let me just say as you see, as we work through the next couple of items, there are a
8 variety of priorities that we have all collectively identified and have been working on. I
9 will have to say they always get adjusted when it comes to the reconciliation process.
10 And the other thing that's important to note is that we are well aware that there is some
11 thought by the new County Executive to make some structural changes in the
12 department that no doubt will affect how these points are addressed.

13
14 Councilmember Knapp,

15 I guess the reason I am asking, I thought we had a good conversation yesterday as
16 related to Park and Planning's program budget because it gave the Committee and then
17 ultimately the Council the ability to say we are going to fund these areas in the parks but
18 we are not going to fund these areas right now except to kind of a hold harmless level.
19 And so it gave us a better context in which to have a decision. Because I agree we have
20 got any number of priorities. I mean, I send a letter over once a month with --.

21
22 Councilmember Floreen,
23 I think it's more often than that.

24
25 Councilmember Knapp,

26 No, I only send one once a month. I don't know what the rest of you do. But to be able
27 to get a sense of --.

28
29 Council President Praisner,
30 I refer the community to them.

31
32 Councilmember Knapp,

33 (laughter) But that's why I want to try to get a sense of as we look at these priorities,
34 should we be putting more resources in resurfacing versus somewhere else because it
35 gets us a strategic plan. Knowing that we're keeping, you know that we may not make
36 as much progress this year so that we could focus on that one next year. And so I am
37 just trying to get a broader context for us to make decisions that are in front of us.

38
39 Arthur Holmes, Jr.,

40 -- have to make sure that we are talking about the same thing.

41
42 Council President Praisner,

43 Well, I think we are talking about a variety of things.

44



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1 Arthur Holmes, Jr.,
2 I think what Mrs. Praisner, I'm sorry. Yeah, Ms. Praisner is, infrastructure, that's a piece
3 of that. So we do have pieces.

4
5 Councilmember Knapp,
6 I guess and that's the reason I was asking the question.

7
8 Arthur Holmes, Jr.,
9 Oh okay.

10
11 Councilmember Knapp,
12 Because you've got a number of disparate issue areas.

13
14 Arthur Holmes, Jr.,
15 Right.

16
17 Councilmember Knapp,
18 And so it's difficult to say why this versus the other and I just want to try and get a sense
19 of, as we make decisions, this year is going to be the year for resurfacing. Next year is
20 going to be the year for maintenance.

21
22 Arthur Holmes, Jr.,
23 That seems the way that it goes.

24
25 Councilmember Floreen,
26 We're not having, and you will see, the Committee has tried valiantly to stick to some
27 objectives in these areas.

28
29 Councilmember Knapp,
30 Okay.

31
32 Councilmember Floreen,
33 It's always a, it really does come down to the cash.

34
35 Council President Praisner,
36 I would like to comment on that because we did, the director has made some comments
37 about the Infrastructure Task Force which I think was an attempt both with buildings and
38 non-buildings to identify the infrastructure needs of existing infrastructure and the
39 maintenance schedules if one were at an optimal level for all agencies of what is the life
40 cycle for components and how frequently you should deal with certain elements. I think
41 that's a piece of a PSP which is our program services requirements that we should be
42 thinking about is at least a six-year plan that merges or looks the same way as we do
43 with a Capital Budget in more than one year. And unfortunately, if you take our fiscal
44 plan and you feed that information into it, what the level of service expectations are, you



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1 will find out that we can't do it. It doesn't work. So, that's where the priorities come in, I
2 think, is when you look at the levels and requirements and then make some judgments
3 each year about priorities. If we don't keep, as I think the Committee has indicated, and
4 the task force certainly did, if you don't keep a minimum level of support annually, the
5 hurriedier you are going to go and the behinder you're going to get or you're, when you
6 infuse some money, it may be wasted actually because you can't maintain it in the
7 future. So, I think those are the issues we are going to have to continue to grapple with
8 more and more because I think the existing community is as anxious about
9 infrastructure that exists as it may be about questions associated with new infrastructure
10 that is coming. And it is going to depend upon where you live what your priority might
11 be. But we are going to have to feed that all together. But I think the documentation that
12 to some extent, the Council Vice-President is referring to, needs to be more visible so
13 that as we make our judgments we know the tradeoffs that we're making. I guess we
14 are into expenditures right?

15
16 Councilmember Floreen,
17 Yep.

18
19 Council President Praisner,
20 Okay.

21
22 Councilmember Floreen,
23 And that's a good introduction. Let's see here. I'm just, Glenn, suggests wrongly, we
24 think, that the department scope of work is not sufficient to warrant three Deputy
25 Directors. We disagree. And particularly because the agency is going to be restructured
26 we anticipate it's a bad idea to eliminate any positions at this time.

27
28 Council President Praisner,
29 Well, I would like to say that I agree with Mr. Orlin in part. Which is that I think in this
30 period of transition, it's a vacant position and I am not prepared to eliminate the position
31 but I do think we should lapse this position further so that we can get a better
32 understanding of where we are going organizationally before the position is filled. So, I'd
33 like to move a three-quarter year lapsing of this position in order to allow us the kind of
34 information and timing.

35
36 Councilmember Floreen,
37 Mr. Holmes, do you want to comment?

38
39 Arthur Holmes, Jr.,
40 This position Ms. Praisner, has already been filled.

41
42 Al Roshdieh,
43 Let me just articulate that. I am acting in that position so my salary Ms. Praisner is
44 discharged --.



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1
2 Arthur Holmes, Jr.,
3 Well, that's not the position we are talking about.

4
5 Council President Praisner,
6 Well, is there a vacant position and acting Deputy Director yes or no?

7
8 Arthur Holmes, Jr.,
9 That's correct.

10
11 Glenn Orlin,
12 There is a vacant position which is being filled temporarily by Mr. Roshdieh who is also
13 filling another temporary position as Chief Of Fleet Management and Mr. Nash is
14 temporarily replacing Mr. Roshdieh as Head Of Operations but bottom line is there is a
15 vacant Deputy Director position right now.

16
17 Council President Praisner,
18 Alright. (multiple speakers) I'd still like to move the lapsing of this position, the salary
19 associated with this position, people can continue acting until we have a better
20 understanding of what the restructuring will be. It's a deferral, not a denial and I'd like to
21 move three-quarter year deferral on this, filling of this position.

22
23 Councilmember Floreen,
24 Well, that motion would say that this position could not be filled until next, a year from
25 now, right? Three-quarter lapse.

26
27 Glenn Orlin,
28 The beginning of April.

29
30 Council President Praisner,
31 The beginning of April at this point, that will give us a chance to know what the
32 restructuring plans will be. Is there a second to the motion?

33
34 Unidentified
35 Second.

36
37 Council President Praisner,
38 Alright, then moved and seconded that we take three-quarter year lapse in this position.
39 Dollar amount, Glenn?

40
41 Glenn Orlin,
42 It will be, there's a real small clarification. You mean three-quarters of the personnel
43 costs?
44



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1 Council President Praisner,
2 Right.

3
4 Glenn Orlin,
5 It will be \$125,450. The motion has been made and seconded. There are lights.

6
7 Council President Praisner,
8 Councilmember Leventhal was first.

9
10 Councilmember Leventhal,
11 Yeah, just to clarify because we did have discussion of this in the Committee. Isn't the
12 filling of this position fairly well along now? Where are we at in terms of the filling of this
13 position?

14
15 Arthur Holmes, Jr.,
16 If I may and I may bumble a little bit here with this in the sense that I have several
17 vacancies. And therefore I have several people in acting positions so therefore when
18 you look at it you say, well you have a vacancy here. You do have a vacancy in the
19 individual but you also have another individual that is a deputy position, this gives you
20 three deputy positions when actually you only have one position that is filled.

21
22 Councilmember Leventhal,
23 Right. But, --.

24
25 Council President Praisner,
26 You have two.

27
28 Councilmember Leventhal,
29 If I am recollecting the Committee discussion that the vacant position of Deputy
30 Director, there is an advertisement, people have responded to the advertisement and
31 the selection process is well underway. Because we had the same thinking that the
32 Council President had. You know, we could achieve some savings here but we were
33 told by the department that they were just about to fill the position with a new person. Is
34 my memory incorrect here?

35
36 Arthur Holmes, Jr.,
37 We have the advertisement. We don't have a person right now.

38
39 Councilmember Leventhal,
40 I see. Okay. And while I have the microphone if I may, I just want to welcome you back,
41 Art. It's great to see you. It was a pleasure dealing with Al Roshdieh who is so unusually
42 handsome.

43
44 Unidentified



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1 (laughter) The term doppelganger comes to mind.

2
3 Arthur Holmes, Jr.,

4 This is a fairly, to me a fairly complicated situation. May I ask for a deferral to a little
5 later time to work with Ben, come back to you with a better explanation of where we are
6 with this vacant position?

7
8 Council President Praisner,

9 We're in the first week of the Council's deliberations. I have no problem with giving you
10 that courtesy and opportunity. But if there are additional questions Councilmembers
11 have it might be useful to put them on the table at the same time.

12
13 Arthur Holmes, Jr.,

14 Yes.

15
16 Council President Praisner,

17 And if Al's twin still has questions.

18
19 Councilmember Leventhal,

20 No.

21
22 Council President Praisner,

23 No?

24
25 Councilmember Leventhal,

26 No, just enjoy working with the department.

27
28 Council President Praisner,

29 (laughter) Okay. Councilmember Elrich do you have questions? We'll defer action on
30 this so if there are questions folks have we should put them on the table now.

31
32 Councilmember Elrich,

33 I take it that if there is a policy of it Glenn will push the issue of reorganization. Because,
34 this only makes sense in the context of, is this an opportunity to reorganize a little bit?
35 And it seems like we are asking everybody else to look really hard at what they do and
36 we just, I believe tortured Park and Planning just the other day where we have
37 innumerable management positions. It seems to me that this is something we need to
38 look at Countywide and not just in a couple of departments.

39
40 Council President Praisner,

41 Council Vice-President Knapp.

42
43 Councilmember Knapp,



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1 Thank you Madam President. The opening and I forget who made the comments, but
2 there is this notion of reorganization that the County Executive needs to look at and so
3 in the course of your response if you could give as some sense as to the timing of that
4 or where this sort of fits within that broader context, I think that would be helpful
5 because I think that Mr. Elrich's point, if that's going to be happening anyway then it
6 may make sense to take a somewhat more conservative approach and --. (multiple
7 voices)

8
9 Arthur Holmes, Jr.
10 Okay. Thank you.

11
12 Council President Praisner,
13 Okay, then we'll hold that aside. Glenn, you keep it on your list for us to come back to at
14 some point, not today but to come back to. Residential Resurfacing.

15
16 Councilmember Floreen,
17 Let me just say on that point, I think it's unrealistic to expect that we will have much
18 information about the, our restructuring of the department at this point because we have
19 been asking about that. So, I just want to alert everybody I doubt that we will have too
20 much more information apart from the need to have positions in place so that they can
21 fill them at some appropriate time.

22
23 Council President Praisner,
24 Well, my question. (multiple voices) If I may, since you raised that, my question is what
25 the County Executive's timetable as well as the department's timetable. That will help.

26
27 Council President Praisner,
28 I think, I don't want an answer as to what the restructuring may be, but what is the
29 County Executive's and department's timetable? Thank you. Okay, let's go back to
30 Residential Resurfacing.

31
32 Councilmember Floreen,
33 Okay Residential Resurfacing as, this is a, to the extent there is a strategic plan we had
34 one which was a multi-year program to steadily bring up the Residential Resurfacing
35 Program to a more sufficient level. Our goal has been to reach \$3 million annually in this
36 project and 2.25 million annually for the project in the Operating Budget which pays for
37 the overlay. Even if these funding levels are reached, we would only get about half of
38 what is necessary to keep up what would be an optimum 6-year resurfacing cycle. So,
39 we remain in a suboptimal situation no matter what we do. So we had previously
40 programmed in the CIP to put 2.4 million for patching in 08. The County Executive
41 recommends amending the CIP to reduce that number to the 07 level of \$2 million. It
42 was not the Committee's recommendation to do that and that's in CIP amendment
43 section. But to keep the program afloat there is an operating element. And that requires



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1 \$300,000 more in the overlay micro seal material than is currently budgeted. So we
2 have recommended the addition of \$300,000 for resurfacing to the reconciliation list.

3
4 Council President Praisner,

5 I just want to comment that there are some communities that for public safety reasons
6 are ecstatic with very rough roads. And I think at some point we are going to have to
7 respond on that issue from that perspective because given the success from a safety
8 perspective of reduced incidents the question becomes is, is that the answer we are
9 going to use across this County when we get designed or used roads where the traffic
10 and the speed and the curvature and whatever else we are talking about, is such that
11 it's at least multiple incidents when it's raining except when it is milled to a significant
12 extent. And I think the department has to come back to the community and to all of us to
13 answer what is the long-term view on that issue. Is milling short-term or long-term.? And
14 do you go back and mill again and again? Or what you do. Here we have communities
15 advocating for resurfacing and here we're scratching the surface so to speak. Physically
16 scratching the surface.

17
18 Councilmember Floreen,

19 As Glenn's memo points out, the cost of treating roads this way is about one-quarter of
20 the cost of a more smooth surface. There are always community concerns about
21 whichever way you choose it. But this has been a pretty cost effective approach that the
22 department supports and we recommend \$300,000 as I said to add it to the
23 reconciliation list, to keep meeting that objective of dealing with, maintaining our roads
24 in a more predictable basis.

25
26 Glenn Orlin,

27 Could I just highlight again, process wise, this is a difficult one for the Council to
28 remember next week because there is this piece in the Operating Budget, there's a
29 corresponding piece in the Capital Budget and the two really need to be in sync so what
30 you end up doing on the reconciliation list for this will drive what ends up happening in
31 the CIP as well.

32
33 Council President Praisner,

34 And this is a good time to comment on the current revenue requirements related to the
35 Capital Budget that we may determine because given the policy of 10% of the budget
36 and current revenue, we will also need to look at that piece.

37
38 Glenn Orlin,

39 Well, that's Paygo.

40
41 Council President Praisner,

42 Well, yeah, but I am not talking about this piece but I am talking about Paygo.

43
44 Glenn Orlin,



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1 Okay. Well, the --.

2
3 Council President Praisner,
4 -- to all current revenue.

5
6 Glenn Orlin,

7 Right. Right. Okay. There is the Paygo which is current revenue to be used for projects
8 which would otherwise be bonded by the Council as a policy that whatever your bond
9 limit is, in the case now it's \$275 million, we need to have at least \$27.5 million in Paygo
10 in the approved CIP for each of the six years. And so Mrs. Praisner's alluding to is that
11 when Mr. Leggett sent over his Capital Budget back in January, he recommended the
12 same levels the Council had in the approved CIP which was \$264 million for each of the
13 first couple of years and correspondingly \$26.4 million in Paygo. Where to go to \$275
14 million in each of those two years, we are going to need another \$2.2 million in cash to
15 create, to be able to have enough Paygo to match the \$275 and keep with the 10%.

16
17 Council President Praisner,
18 Or we have to reduce the CIP bond piece.

19
20 Glenn Orlin,
21 Right.

22
23 Council President Praisner,
24 Okay.

25
26 Councilmember Floreen,

27 Next item. No more questions on this one? The next item is trail maintenance. Just to,
28 an update, there is a reduction in the amount of dollars proposed for expenditure in this
29 category to \$100,000. Last year we approved more but a good portion of that was to
30 address issues on the Georgetown Branch Interim Trail and those have been
31 addressed. So, we did not change that proposed number there. Next, backlog of traffic
32 studies. We all get calls from people and we send them to DPWT and say okay, this
33 called for a traffic study. We did ask that this be monitored. We have been concerned
34 about this. I think it's really a key issue of governmental responsiveness when we can
35 help our residents find a solution that meets our, all the standards that we have in place
36 but respects community needs. And we are making some progress in terms of reducing
37 the backlog. I don't know if we have made any progress in eliminating the requests.
38 They probably are increasing. But this is an update on where we are at this point. So we
39 are down, in terms of a backlog we are down from 441 in 2005 to 287 in 2007. And
40 obviously that's not good enough. But at least it's progress. Anybody have any
41 questions?

42
43 Councilmember Knapp,



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1 I just wanted to, I just wanted to thank the Committee or thank the department because
2 especially as the number of emerging communities in the up County have come online,
3 we've ended up with a number of new and unique traffic situations that we just didn't
4 know until you opened up a library, opened up a new road and you have been very
5 responsive. And I appreciate your efforts. So, there have been a number of situations
6 over the course of the last year that have required quick attention. And in spite of the
7 backlogs, you have been able to get out there and address some very significant issues
8 very quickly and so I thank you for your efforts. The question I have, so what is the
9 actual budget recommendation, what is the number? To address this or?

10
11 Councilmember Floreen,
12 The number, Glenn?

13
14 Glenn Orlin,
15 I don't know if I have it readily available. I have to research it for you.

16
17 Councilmember Knapp,
18 Okay. But there was no specific recommendation to address further backlog by the
19 Committee?

20
21 Councilmember Floreen,
22 No, last, several years ago we approved more money in consultant assistance to help
23 with this. Is there money, are you using a consultant at all to help with this now?

24
25 Al Roshdieh,
26 Yeah, and also as you recall, we came to you with a kind of a strategic plan to create a
27 triage in our traffic study.

28
29 Councilmember Floreen,
30 Right.

31
32 Al Roshdieh,
33 And that position of course was a major help in reducing the backlog and of course the
34 number of reports has gone up. But the consultant dollars that we got and also the
35 triage helped us to bring up the backlog. So, in terms of the dollars for this program, I
36 don't know exactly the number but there is no change in FY07 to 08.

37
38 Councilmember Knapp,
39 There is no change. Okay, okay. Thank you. Mr. Berliner.

40
41 Glenn Orlin,
42 We are trying to do it more efficiently with such things as a triage.

43
44 Councilmember Berliner,



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1 Madam Chair, thank you. Let me just observe that in the context of the traffic study type
2 it identifies school zone safety. And we are working with the department now with
3 respect to a meeting that the department will co-host with my office for all the schools in
4 our system who have expressed a great deal of concern with respect to school traffic
5 safety issues of cars on the street trying to get into the lot and how difficult it is,
6 accidents that take place. And so I appreciate the department's attention to this in
7 working with our office to address the concerns of our community.

8
9 Councilmember Floreen,
10 That issue has also been worked on I think through the safe access to schools program.
11 There is, I am not sure, I think that's a school funded initiative, isn't it?

12
13 Arthur Holmes, Jr.,
14 Yeah, going back a little bit further, in the life cycle is when you get to the preliminary
15 plan, we need to make sure that we look at parking, we look at traffic flows with the
16 population that we are going to have. So I think we need to do that in the total life cycle.

17
18 Edgar Gonzalez,
19 And also, there is, the school system itself has also traffic engineers that look into the
20 access to their specific schools and the work around, you know, separating buses from
21 automobiles and drop-off areas and all that and we work with them during the step
22 Committee that we instituted back during the Kramer years if I recall.

23
24 Councilmember Floreen,
25 Yeah.

26
27 Edgar Gonzalez,
28 Because Mr. McGary was here, -- McGary was here. And so we continue working with
29 them on a monthly basis to deal with school issues every month.

30
31 Councilmember Floreen,
32 I would encourage you Mr. Berliner to include someone from that school system team in
33 your conversation.

34
35 Edgar Gonzalez,
36 Yeah, in fact, several Councilmembers and aides -- welcome to send representatives.

37
38 Councilmember Floreen,
39 And I believe we just appointed Councilmember Ervin to the Pedestrian Advisory Board
40 as well. So, you are going to need a bigger office if that can be imagined. Anybody else
41 on this issue? Okay. Just an update to especially the new Councilmembers, we have
42 funded an incident management team to help clear the roads when accidents occur. In
43 the national literature this is a highly recommended cost effective solution for helping



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1 with backups and I am not sure how much, we don't have the information here on how
2 much we are budgeting for this right now, Glenn.

3
4 Glenn Orlin,
5 No, I don't have that.

6
7 Councilmember Floreen,
8 Do you have that handy?

9
10 Glenn Orlin,
11 Not handy, no.

12
13 Councilmember Floreen,
14 But we discussed it in Committee as a worthwhile project. I saw them in operation the
15 other day. I think it was on the Beltway. And it seemed to be effective. So that is an
16 ongoing effort. The pedestrian countdown signals are items that we have prioritized as
17 well. I think it's, I believe the District of Columbia has put them in nearly everywhere.
18 And I think it does a tremendous job in terms of calming everybody down as to how long
19 you have to wait to be able to be assured of safe crossing and vehicles can see what
20 the timing situation is as well. Our recommendation from the Committee was because
21 these are so productive and useful tools, in terms of pedestrian and traffic safety, to add
22 \$800,000 to the reconciliation so that we can --.

23
24 Glenn Orlin,
25 \$80,000.

26
27 Councilmember Floreen,
28 \$80,000. What did I say?

29
30 Unidentified
31 800.

32
33 Councilmember Floreen,
34 I would like \$800,000 but no, it's only 80 to the reconciliation list to install 24 more
35 countdown signals. Currently, only \$80,000 is recommended.

36
37 Glenn Orlin,
38 Could I add on this one, the current level of funding has been the level of funding for the
39 last three years and the plan currently is to stay at that level. But what that would do is
40 get us to the point where half of the County intersections would have the pedestrian
41 countdown signals and then at some point a couple of years from now the money is
42 going to have to be used not to add more signals but to replace the current ones
43 because these things only last about five years before they have to be replaced. By
44 increasing the funding to \$160,000 a year and continuing that every year you can by



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1 FY12 I believe it is, get to the point where all the County's signalized intersections will
2 have pedestrian countdown signals. And it's also sufficient for a good long time after
3 that to replace all of them so it's really a decision that you will be starting this year if you
4 confirm this in the budget and continue it, to have all the County signals to be
5 pedestrian countdown not just half of them. The state has its own program for putting in
6 pedestrian countdown signals at state intersections and their plan ultimately is I believe
7 go with all of them. Is that right? So, --.

8
9 Councilmember Floreen,

10 So, this is a proposal to goose it along. We're just getting it on the reconciliation list that
11 really just gets it into play for final budget determinations. But the Committee's view is
12 that these are important elements that should be part of that mix. As to tree
13 maintenance those of you who haven't lived through a hurricane, just wait. It's a huge
14 issue for our community and actually you heard a bit about this in the Park and Planning
15 budget proposal to add positions and dollars for tree maintenance within our parks if we
16 are going to stay green, if we are going to continue to be green we need to protect what
17 we have. And the County Executive, in our view, did not propose sufficient dollars to
18 cover inflationary increases in the contract costs for tree maintenance. This is the kind
19 of work that provides emergency priority tree removal, pruning and stump removal.
20 Another source of a long list of constituent calls, our Committee recommendation as a
21 result proposes two increments of \$250,000 to be added to the reconciliation list for this
22 program. In staff's mind that gets us closer to the level of effort for the current year. But
23 our view is, if we do not do this, we will be below what our current level of effort is.

24
25 Councilmember Knapp,

26 I just had a question there. What is the rate of inflation because if you are putting 3% in
27 and you're adding another nearly 10%, I am all for keeping it the same, that just seems
28 like a really high level of inflation for tree maintenance. So, I am just curious as to what
29 the additional cost would be? Well, let me say. By putting in a half million dollars it still
30 doesn't get us to last year's level.

31
32 Glenn Orlin,

33 Well, it's, the confusion here -- came up in the session. Some of last year's level was
34 actually funded by an FY06 supplemental that came across from the Executive that
35 carried, some of that work was carried over into 07. But still even with the additional
36 \$500,000, it wouldn't bring the level up to what is nearly sufficient for this program. It
37 would have to be multiple times this. So, and there is also interest in increasing
38 contracting costs for this effort.

39
40 Councilmember Floreen,

41 Right now, we are telling constituents they have a 13 month wait to get that dead tree in
42 front of their home removed. Not happy campers.

43
44 Glenn Orlin,



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1 No.

2
3 Councilmember Floreen,
4 Okay. Anything else? No? We, well there is an asset management maintenance
5 system. We have approved money for the various phases and that effort is continuing.
6 There is a --. Ms. Praisner, you want to, --.

7
8 Council President Praisner,
9 No, I have just been putting my light on come back --.

10
11 Councilmember Floreen,
12 (laughter) She's reassumed the plan. Well, it's in your area.

13
14 Council President Praisner,
15 I've been hyped aboard so to speak.

16
17 Councilmember Floreen,
18 Homeowners association road maintenance reimbursement category. Basically we're
19 proposing to appropriate \$370,850 for this category. This is mostly, let's see here, this is
20 mostly going to where Glenn?

21
22 Glenn Orlin,
23 Montgomery Village.

24
25 Councilmember Floreen,
26 Mostly, all Montgomery Village?

27
28 Glenn Orlin,
29 Mostly. There's two programs within this. One is a program where state funds
30 essentially pass through our budget and go to those streets which are close to looking
31 like County roads and there's certain requirements the state has for that and all of those
32 roads are in Montgomery Village so that money goes to Montgomery Village. The other
33 \$40,000 goes to a slew of small HOAs. That program goes back 20 years or more and
34 what it does is help pay for their local streets as well as, also certain characteristics that
35 they follow although they're not as rigorous as the state program. That's strictly County
36 money.

37
38 Councilmember Floreen,
39 Okay.

40
41 Glenn Orlin,
42 There was a budget, adjustment from the Executive which slightly reduced the state's
43 program because the state's distribution of highway use revenue was a little bit smaller
44 than what had been expected.



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Councilmember Floreen,
Next, Parking Lot Districts. Basically, this, as you will recall, we had a public hearing on a proposal to revisit some of the times and fees for parking in the Parking District. Currently we have 5 Parking Districts, Bethesda, Montgomery Hills, Silver Spring, Wheaton and North Bethesda. And if you look at page 8 of the packet, we have a pretty random system of rates and hours of operation. We have different systems with respect to on street hours and off street hours and garage hours and parking fees. So,--.

Glenn Orlin,
Ms. Floreen, can I interrupt just for a second? I just -- got a process point. On the parking fees and hours issue here and on the senior transit issue a little bit later, those are both things which we will be adopting formally, whatever you decide to do, on May 16th which is revenue day. But, this is essentially a worksession on those two items so, whatever decisions you make today, you should ratify it on May 16th.

Councilmember Floreen,
Right.

Glenn Orlin,
If that makes sense.

Councilmember Floreen,
Right. So, it's just part of the package of a variety of things we get to deal with in the T&E Committee.

Council President Praisner,
Can I ask one question that relates to Parking Districts before, that occurred to me before we get to the fee piece? Can we use Parking District funds to add more countdown signals?

Glenn Orlin,
No.

Council President Praisner,
We can't? Okay. Alright. Go back Nancy I'm sorry.

Councilmember Floreen,
The County Executive proposed raising fees in Montgomery Hills from 10 cents an hour, by 10 cents, from 15 cents to 25 cents an hour and changing the hours for parking, charging to Saturdays from nine to six. The County Executive also recommended extended parking enforcement hours in the Wheaton Parking District until 10:00 p.m. Monday through Saturday for on streets basis and in lots and until 10:00 p.m. Monday through Friday in Garage 45. The Amherst Avenue Garage. Jumping on this, Mr. Orlin



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1 has also proposed some additional changes in terms of fees and uniform hours with
2 respect to the various Parking Districts. We heard a fair amount of testi, well we really
3 just heard testimony from the Bethesda-Chevy Chase Commerce that had some
4 concerns about this as well as Ben Ross who apparently doesn't like to get up early to
5 feed the meters.

6
7 Council President Praisner,
8 I think it was more than Ben.

9
10 Councilmember Floreen,
11 (laughter) Well, we've been worried about his pajamas situation. We also have heard, I
12 think, from the Wheaton community with some concerns about the proposal. What we
13 did and you will see on pages really, primarily page 10, let's see here, does this have
14 the fees here? What we did with respect to the fees Glenn?

15
16 Glenn Orlin,
17 No it doesn't.

18
19 Councilmember Floreen,
20 No.

21
22 Glenn Orlin,
23 But, what I can, if I can summarize--.

24
25 Councilmember Floreen,
26 Did we forget to put that on there?

27
28 Glenn Orlin,
29 Let me summarize it. On fees the Committee agrees with the Executive to raise the
30 parking fees in Montgomery Hills from 15 cents an hour to 25 cents an hour, also for the
31 two people who have a monthly parking permit in Montgomery Hills, the rate would go
32 to --.

33
34 Councilmember Floreen,
35 Mr. Glenn is on it. Saving money for the County.

36
37 Glenn Orlin,
38 \$45 for the monthly pass for Montgomery Hills. The only other fee increase that's
39 recommended is really in the North Bethesda TMD which is not a Parking District,
40 raising the fee from --.

41
42 Councilmember Floreen,
43 To 60 cents --.



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1 Glenn Orlin,
2 60 cents —.

3
4 Councilmember Floreen,
5 In short term.

6
7 Glenn Orlin,
8 In short term and 45 cents in long term.

9
10 Councilmember Floreen,
11 5 cents increase.

12
13 Glenn Orlin,
14 It goes up 10 cents an hour for short term and 5 cents an hour for long term and \$10 a
15 month in the monthly pass. That's at the bottom of page of 8, it's the second to last
16 bullet.

17
18 Councilmember Floreen,
19 So, we agreed with Mr. Orlin's recommendation there. What, there was quite a
20 conversation about the timing of the enforcement of these and we were persuaded that
21 nobody understood the situation and should we make it a little more consistent so the
22 charging hours that we recommend are what is shown in the chart on page 10.
23 Sympathetic to the pajama clad Mr. Ross and the Bethesda Chamber folks who like
24 their breakfast meetings, not to mention Mr. Leventhal's need to park for his gym effort
25 in Silver Spring. We are, and I'm sure all the other Councilmembers have a comparable
26 need. I do not mean to mean to single out Mr. Leventhal.

27
28 Councilmember Leventhal,
29 I just want to point out Madam Chair, I'm in a much better mood when I exercise. So I
30 think. (laughter) I think the public interest is clearly served by facilitating my access to
31 my gym.

32
33 Council President Praisner,
34 Or economic development could move a gym closer to him that would be fine too.

35
36 Councilmember Floreen,
37 (multiple voices) That's why we have no elevators that work. So what we're proposing is
38 in the Parking Lot Districts for on street parking to start at 9 and end at 10:00 p.m.
39 Monday through Saturday. Similarly with the lots and a somewhat different program with
40 the garages. 7:00 a.m. to 10:00 p.m. Monday through Friday in Bethesda, Silver Spring
41 and Wheaton, keeping in mind that in Silver Spring there are some contractual
42 obligations that limit, what's the name of that garage?

43
44 Glenn Orlin,



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1 Garages 60 and 61, the ones in the town center. The one on Wayne Avenue and the
2 one in Ellsworth.

3
4 Councilmember Floreen,
5 Town center garages and then North Bethesda, I think this is what it was already.

6
7 Glenn Orlin,
8 Yes.

9
10 Councilmember Floreen,
11 7:00 a.m. to 7:00 p.m.

12
13 Glenn Orlin,
14 The hours are not changing.

15
16 Councilmember Floreen,
17 In North Bethesda.

18
19 Council President Praisner,
20 Okay, we have Councilmember Berliner who'd like to comment on this item. So, Roger.

21
22 Councilmember Berliner,
23 I don't know if I really do want to comment on this item.

24
25 Council President Praisner,
26 Well, you asked.

27
28 Councilmember Berliner,
29 But I feel that I need to comment on this item and I appreciate the Committee's
30 recommendation with respect to the 7-9 so that those in pajamas can stay at home as
31 opposed to go out and that that was part of what the Bethesda-Chevy Chase Chamber
32 had expressed concern about. They had also expressed concern about the Saturday
33 parking, in fact in our conversation privately with them with staff Saturday was the hot
34 button issue. So I would appreciate if staff would share more with respect to why staff
35 and the Committee believes that Saturday should not be free parking and particularly if
36 you could share with this member how it is that there's free parking in the garages on
37 Saturday half a block away and paid parking, in the context of lot, I believe that we're
38 really, in Bethesda we're talking about two lots.

39
40 Councilmember Floreen,
41 Keep in mind Lot 31 is not long for this world.

42
43 Councilmember Berliner,



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1 I understand. So we have Lot 30, there are two lots that I believe are affected by this
2 change over several, in Bethesda.

3
4 Glenn Orlin,
5 Yeah, there are several lots in Bethesda.

6
7 Councilmember Berliner,
8 Okay. So, which would be affected and which remain unaffected and explain the
9 rationale as to why there is free parking in a garage a half block away from where there
10 won't be free parking in Lot 31.

11
12 Glenn Orlin,
13 Okay, actually the only difference in hours, just for example in Bethesda, is going to
14 Saturday in lots.

15
16 Councilmember Berliner,
17 That's correct.

18
19 Glenn Orlin,
20 There are many lots in Bethesda in the Woodmont Triangle as well as the South Silver
21 Spring, South Bethesda. The thought was that as much as anything else, parking is a
22 valued good and it takes up dear property that is valuable and to allow simply free
23 parking at anytime is undervaluing the good and it is a revenue possibility for the
24 Parking District which it could use.

25
26 Councilmember Berliner,
27 Could I stop you there? Only if you could then, explain why it is that the garages are
28 free. I assume that that is a public asset, it is a good, it is, could be a revenue enhancer.
29 Explain the distinction between a garage and a lot that are literally a block apart from
30 one another.

31
32 Glenn Orlin,
33 The thought was that lots are really the preference for folks typically on weekends
34 unless it's raining or snowing. Folks would rather park in a lot than a garage. Often the
35 lots, more of them are closer to where people want to go than the garage. Also, there is
36 the perceived or real security issue of garages versus lots. And so the thought was we
37 could charge in the lots, if folks decided they really did not want to pay on Saturdays, in
38 Bethesda for example, 78% of the spaces are in garages. So, there's plenty of
39 opportunity to park in a garage. You might be a little further away, but it may not be as
40 desirable, but it's free. So that was the thought that went into it frankly.

41
42 Councilmember Floreen,
43 Well, you can also look at it in terms of encouraging more turnover on the street in lots
44 that are closest to activity while a long term stay is perfectly serviced in the garages.



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1
2 Edgar Gonzalez,

3 Yeah that's mostly it. Is the convenience that, and the turnover. If you are on the street
4 then it help the merchants there because there is much more rapid turnover if you had
5 to feed the meter – whereas if you go to the garage there is plenty of space so it's okay.

6
7 Councilmember Berliner,

8 So, you will come with me to my next meeting with the Bethesda Chamber and tell --.

9
10 Edgar Gonzalez,

11 And we'll tell them that.

12
13 Councilmember Berliner,

14 And explain to them that it is actually a plus for them to have this because it will facilitate
15 greater turnover and therefore more business.

16
17 Edgar Gonzalez,

18 Yes.

19
20 Councilmember Berliner,

21 And not everyone there will get a ticket 5 minutes after they've, their meter has expired.

22
23 Edgar Gonzalez,

24 I can not assure you of that.

25
26 Councilmember Berliner,

27 I will never come back to, this is what I heard that there will be a ticket placed on these
28 people after 5 minutes of which their meter money has expired and they will never come
29 back to Bethesda because they don't face this if they go to a mall. So, that's the
30 argument that has been raised, that it really isn't the paying itself, it is the paying if one
31 is late or hasn't fed the meter appropriately. Would you care to respond to that as well?
32 (laughter) No. Help me here.

33
34 Council President Praisner,

35 Art, oh, I'm sorry, you're mic's not on.

36
37 Arthur Holmes, Jr.,

38 I wouldn't touch that kind of a question for an individual. That's an individual choice. And
39 I wouldn't touch it and I'm asking Edgar not to touch it. I will talk with you about this --.

40
41 Councilmember Berliner,

42 Off the record.

43
44 Councilmember Floreen,



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1 The, you know where there is a significant, certainly a huge amount of activity in circling
2 around is Garage 31, is Lot 31 which will become Garage 31.

3
4 Arthur Holmes, Jr.,
5 That's right.

6
7 Councilmember Floreen,
8 Will there be additional parking spaces provided in that location over what's there now?

9
10 Al Roshdieh,
11 After the garage is built?

12
13 Councilmember Floreen,
14 Yes.

15
16 Al Roshdieh,
17 Substantially.

18
19 Councilmember Floreen,
20 How many more spaces will there be?

21
22 Al Roshdieh,
23 It's going to be 1158 parking spaces.

24
25 Councilmember Floreen,
26 Open to the public? That will be free on Saturday. So, that will be, actually be an
27 improvement to the needs of that community in that --.

28
29 Councilmember Berliner,
30 I thank the Chair and I thank staff and thank the department for sharing with us and for
31 the public record, the rationale.

32
33 Councilmember Floreen,
34 --spending vast amounts of money in the commercial sector.

35
36 Unidentified
37 If I can just jump in, just a very slight issue also is the employees of these businesses
38 can park for free and not tie up the other parking that's considered more advantageous
39 closer to the establishments. But the employees get to park for free, -- a little further out,
40 it's just a side issue but.

41
42 Councilmember Floreen,
43 Okay anything else? Glenn then provides you with the bookkeeping associated with this
44 that I'm just not going to go through at the bottom of page 10 and the top of page 11.



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1 With respect to security, there is no proposal, significant proposal to the number of
2 parking security patrol hours provided in Bethesda or Silver Spring. There is a proposal
3 to increase park police overtime in Wheaton as well and I guess we've taken that up in
4 the Park and Planning budget. Collecting parking fees. This is a source of great
5 annoyance to all members of the T&E Committee because we have different systems
6 throughout the County. There is pay on foot and pay by space. They are informing us
7 that the cashier is on its way out. So we will no longer have a community, personal
8 contact as we pay for parking. We are hoping and hopeful that we will settle upon an
9 agreeable system at some point. Right now we don't have one and we dislike all the
10 ones that are there. That's the best that can be said.

11
12 Council President Praisner,
13 My complaint continues. I find it impossible with the meters to be able to see on the
14 meter itself what it says about the timing et cetera.

15
16 Councilmember Floreen,
17 That's the glasses.

18
19 Council President Praisner,
20 No it's not a glasses, it's the way, it's the height of the meters and the angle of the
21 information and I've made that point, you too, good. My point is either with the signs as
22 you drive in better notice or something as you look at meters as you replace them. I
23 really think there is a problem. I feel like I have to jump up and down to be able to read
24 what it says because it's too tall.

25
26 Arthur Holmes, Jr.,
27 The ergonomics of it we'll look at.

28
29 Councilmember Floreen,
30 Well, we, meters are, well.

31
32 Arthur Holmes, Jr.,
33 (multiple voices) --very, well what do I want to say, it's not well taken right now. We're
34 looking at it and hope to come back with some satisfactory fixes for you.

35
36 Council President Praisner,
37 Well and that's the one location pay rather than individual meter pay issues and I think
38 more and more people are having more experiences with that kind of concept at airports
39 and other places. And that it is, I think once you get, once you iron the glitches that may
40 occur in the beginning is a concept that folks are more familiar with at train stations and
41 airports and other things. We have some lights. Councilmember Leventhal was first.

42
43 Councilmember Leventhal,



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1 Well, we discussed this in Committee but I just want to share with my colleagues, I'm
2 surprised at the emotion that I'm hearing particularly with respect to the Cameron Street
3 garage. So, I really, whatever explanations are being offered or whatever public
4 education has been done there, it's not adequate and I just implore the department to
5 rethink it's policy there.

6
7 Councilmember Floreen,
8 They have a new system and nobody can comprehend it.

9
10 Council President Praisner,
11 Councilmember Elrich.

12
13 Councilmember Elrich,
14 Maybe you all did this in Committee but my answer would be just that in getting an idea
15 that it doesn't have to be here on the relative costs of the human being providing the
16 exit from the garage via, you know, payment rather than the machinery. What's it cost to
17 us to have the machines, to maintain the machines versus having a person there and
18 having the people that seem to be in the Silver Spring Garage constantly making the
19 nonfunctioning gates function and dealing with people who have constant problems.
20 Because if the point was to eliminate labor and replace it with a machine it seems to me
21 we still have the same amount of labor there running up and down and dealing with, you
22 know, broken gates or nonfunctioning gates or misread tickets. Unless they're being
23 paid on piecework --.

24
25 Arthur Holmes, Jr.,
26 It's a total expense we'll give you that --, it's not just one expense element, but we will
27 come back to you with that.

28
29 Councilmember Floreen,
30 We did go through that scenario and we're not thrilled but.

31
32 Councilmember Elrich,
33 I mean personally, I'd rather pay labor than pay a machine if I had the choice.

34
35 Councilmember Floreen,
36 Any other lights on this one?

37
38 Council President Praisner,
39 Nope. You can continue.

40
41 Councilmember Floreen,
42 Okay, Mass Transit Fund, the County Executive is recommending an increase in 3.5%
43 over the current budget in 08 and a work year increase of 12%. That's the contract issue
44 isn't it, we're taking over buses. The County Executive has proposed to eliminate fares



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1 for seniors which the Committee supported but there are no fare changes for fiscal year
2 08 and I'll just note, we are unable to add new buses, new routes over our existing
3 compliment until we resolve the Shady Grove plan basically because they have no
4 space for maintenance and there is a whole connection of issues that need to be
5 resolved before they can add more buses to their maintenance work --.

6
7 Council President Praisner,
8 That hasn't stopped the fire department from ordering equipment.

9
10 Councilmember Floreen,
11 Well, they have more, okay, with respect to the bus acquisition program, we have told
12 them, let's see where do you have that here, we have told them that we wanted them to
13 be acquiring hybrids or buses that can operate on biodiesel. Mr. Berliner has, I wanted
14 him to know that right now they are using a mix of buses and we want to make sure that
15 new acquisitions be as clean as they can be.

16
17 Glenn Orlin,
18 If I could add what the Executive's budget recommends replacing 27 regular Ride On
19 buses and 31 small diesel buses with clean diesel but they have also applied for an FTA
20 Grant which would allow the 27 Ride On buses to be hybrids instead. So, if the grant is
21 received, then they'll do a supplemental appropriation the first part of FY08 with federal
22 funds paying the current appropriation which will allow them to be hybrids. If the grant
23 doesn't come through then the question is, does the Council want to do something at
24 the time to raise the appropriation out of County funds to buy hybrids rather than clean
25 diesels and that's an issue I think you will be facing then. Just be clear right now, the
26 money that's in the budget from the Executive is enough money to buy the
27 replacements with clean diesels.

28
29 Councilmember Floreen,
30 Right.

31
32 Glenn Orlin,
33 Not with hybrids.

34
35 Councilmember Floreen,
36 And we asked them to come back to us if they were unable to obtain this grant.

37
38 Council President Praisner,
39 Councilmember Ervin.

40
41 Councilmember Ervin,
42 I think we might have covered this in Committee but I just have a question about the
43 environmental impact of keeping buses well beyond their useful life and I see we're not
44 replacing these until January 09.



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Edgar Gonzalez,

Yeah, we have ran some numbers, under the County Executive's proposal we would be reducing 19-tons of NOX on particular miles per year under the proposal with the County Executive sent to you which is a replacement of the 27 old diesels to new clean diesels. If we obtain the grant from the federal government and we go to all hybrids, our savings would be 21 tons which is 2 tons more, 10%, a little over 10% better than what we're doing. If instead, we ran three scenarios, if instead we decide to keep the same amount of money that the Executive transmitted to you and only replace a lower number of late or old diesels to hybrids, the savings would be 15 tons which would be 4 tons less than the, because the older buses, the emission rates are much higher. So we're better off by just going with the clean diesels that the Executive proposed than just keeping that same amount of money and buying or replacing a smaller number of old diesels so those are the numbers that you need to remember, 15, 19 and 21 and the Executive being the 19 and 21 being all hybrids.

Councilmember Ervin,

And I want to follow up. I don't see Councilmember Berliner sitting at the table, but there was some talk about a proposal, his proposal regarding biodiesel fuel and I'm not quite sure where the Committee might be going with this topic but I'm really concerned that we're getting these proposals coming from different areas, we have the, you know, school system and I think that as a County that we need to come up with whatever the plan or the strategy is going to be move, if that's where we want to go, to move to biodiesel so I'm very concerned about this because if we do it piecemeal how much is it going to cost us to do it that way? If we just do the school system's buses and so I just wanted to bring that back up because these conversations are taking place right now in the context of the budget and how do we move this forward in the future so, I just wanted to put that on the table. I was very as opposed to the, Mr. Berliner's not here, I don't know if he's listening, but to try to make these changes now in the context of the budget when we haven't fully fleshed out all of our options and where we might be going so I wanted you all to know that.

Councilmember Floreen,

Well, yeah and let me just say, that's why the Committee recommendation as you may recall, was to say prioritize this issue, look at hybrids and/or the biodiesel. We understand there is a pilot project going on with the school system, you know, the resources sorting out how this will be acquired is something that we do need them to come back to us on. In terms of a master plan --.

Councilmember Ervin,

What I meant to say was we don't want them off in their corner of the world doing their own separate thing that's my entire point.

Unidentified,



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1 Yeah. Sure.

2
3 Arthur Holmes, Jr.,
4 We can --.

5
6 Council President Praisner,
7 I think Councilmember Ervin is correct about encouraging and the Council being the
8 place where the decisions about appropriations are made, making sure that we talked
9 earlier about a strategic plan for the department making sure that our agencies and
10 departments are coordinated as to facility purchases and types of vehicles being
11 purchased and how we accommodate them. My, the piece I would add to this is to the
12 extent there are contracts out there by different counties or communities to purchase
13 vehicles that are somewhat consistent with where we are going we should also be
14 looking at efficiencies of scale issues.

15
16 Arthur Holmes, Jr.,
17 We do.

18
19 Council President Praisner,
20 And I think what the Council's interested in knowing is where we are on those kinds of
21 efforts as well. So, we want a coordinated across agency initiative that has departments
22 talking to each other or agencies talking to each other before purchases are made and
23 before contracts are entered into but we also want to know the best dollars for each of
24 those and there are ways to do that through incentive programs or through mass bulk
25 purchase even though vehicles aren't necessarily thought of that way.

26
27 Arthur Holmes, Jr.,
28 Your point's well taken. We don't have a coordination that we need for purchase and we
29 do tag on to other companies or other organizations or contracts.

30
31 Council President Praisner,
32 Right, and that's fine.

33
34 Arthur Holmes, Jr.,
35 But we're talking about Montgomery County I think we can bring that together.

36
37 Council President Praisner,
38 Well, there are places where folks are buying more than just buses, we're talking about
39 financing vehicles in general.

40
41 Arthur Holmes, Jr.,
42 Vehicles in general.

43
44 Council President Praisner,



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1 And that also, but, you know, in some cases piggyback on another contract is the way
2 to go because they've gotten the quantity and also the lower bid options but obviously
3 keeping the environmental priorities in front of us. We have lots of lights on that issue
4 and I believe Councilmember Elrich was next.

5
6 Councilmember Elrich,
7 Just a slight diversion, I was wondering what the cost of collecting and accounting and
8 processing Ride On fares is. I mean, what do we pay to collect Ride On fares?

9
10 Carolyn Biggins,
11 It's done with our counting room which is managed by the parking unit of operations.
12 Phil do you remember what it is? It's like \$130,000 a year.

13
14 Unidentified
15 No but I can get that for you. It's in that range.

16
17 Councilmember Elrich,
18 Okay.

19
20 Council President Praisner,
21 Councilmember Berliner.

22
23 Councilmember Berliner,
24 I was able to overhear my colleagues' observations with respect to biodiesel and I just
25 wanted to share with you frustration this one member has had in so far as it seems so
26 clear that biodiesel is being used by so many local governments, 20% biodiesel except
27 in the coldest day and then 5% and counties like Arlington have been doing it. And yet
28 when we have had our conversations it's as though this is a real big deal. And I don't
29 get why it's a big deal. So I'm among those that are, is very impatient with how slow we
30 seem to have been moving with respect to substituting biodiesel for anything else that
31 we are using today prior to going to the hybrids et cetera that we can make a significant
32 contribution now. I believe Arlington County's numbers were something like a 15%
33 reduction in NOX and Co2 emissions just from using biodiesel and we're talking about
34 pennies. They literally said we're talking four cents a gallon under their contract. So, I
35 share that with you because again, there are going to be a lot of us that are going to be
36 pushing and we don't get the push back. Okay, we don't understand why there's a push
37 back as opposed to an open armed embrace and a moving forward.

38
39 Arthur Holmes, Jr.,
40 Let me say to you -- we will come back to you talking to you about a program or the
41 reasons why we would say no as we look at other things. But we will come back to you.
42 We will not push back. We will try to cooperate.

43
44 Councilmember Berliner,



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1 Thank you I appreciate that.

2
3 Council President Praisner,
4 Counsel Vice-President Knapp.

5
6 Councilmember Knapp,
7 I appreciate the remarks – but as it relates to interacting between the school system and
8 DPWT, I appreciate, Al, and we had a meeting with the school system, I don't know, I
9 guess it's been three or four months ago now in which I think everyone has kind of
10 recognized those importance to you to move forward and the school system is
11 committed to doing it as well. We have had a number of conversations and I think from
12 a coordination perspective, I think it's important, one of the things we have got to look at
13 is, at least as I understand it from having discussions with Arlington County and
14 discussions with the school systems and the meeting that we had, is you are going to
15 phase in different pieces at different times because what may work for one is not
16 necessarily going to work for the other and what's the right protocol especially given the
17 magnitude of all of our fleets. And so, I would just, I would urge to have those
18 discussions, I know there's an openness to have that dialogue and to do it sooner than
19 later, to make sure we have got the right level of flexibility in it so that we can do the
20 right phase in for everybody but so to the extent that we can leverage where you put
21 centralized fueling capacity or whatever it is is the right steps that we, we're doing it in
22 the smartest way we possibly can. But to work to really have that plan laid out there
23 because I think we can do it from the conversations I've heard but I urge us to make
24 sure we have got the right level of flexibility to take advantages of the efficiencies where
25 we can find them and then recognize that school buses are going to be different than
26 ride on buses or going to be different than other things.

27
28 Al Roshdieh,
29 And I can assure you that after we came out of that meeting we seriously are looking at
30 it and also putting together a plan for Mr. Holmes to review. We are looking at actually
31 using biodiesel not only in our fleet, but also in our solid waste equipment so we are
32 working on that. And trust me as soon as we have some good information --.

33
34 Arthur Holmes, Jr.,
35 We will come back.

36
37 Al Roshdieh,
38 -- Mr. Holmes I'm sure we're going to --.

39
40 Councilmember Knapp,
41 But also to really sit down with MCPS so that we are working in coordination.

42
43 Unidentified
44 Yes.



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1
2 Councilmember Knapp,
3 Because I know that we have, it's difficult enough sometimes to talk within our own
4 departments much less to coordinate outside of it and so to the extent that we --.

5
6 Arthur Holmes, Jr.,
7 Your point is well taken. The fact that if they are using a certain type bus, we are going
8 to be using that certain type bus, at some time it may be more economical for us to hold
9 off on our buy or for them to, so we need to have a coordinated effort.

10
11 Councilmember Knapp,
12 Right.

13
14 Arthur Holmes, Jr.,
15 As far as purchasing of vehicles are concerned.

16
17 Councilmember Knapp,
18 And fueling facilities. I mean, I know --.

19
20 Arthur Holmes, Jr.,
21 That would determine where you're going to --.

22
23 Councilmember Knapp,
24 Right. Okay.

25
26 Councilmember Floreen,
27 Okay.

28
29 Councilmember Knapp,
30 Thanks.

31
32 Councilmember Floreen,
33 Anything else? Okay, so on, to circle around on page 13 shows a list of elements that
34 DPT is hoping to obtain federal transit money for, the upgrade of the regular Ride On
35 buses from clean diesel to hybrid, our budgeted amount for clean diesel would be the
36 County match as required under that program. And sort of a heads up there is some
37 scheduling software they would like to acquire if that's approved. We would need to
38 make another \$98,000 appropriation so that may come back to us. Likewise, they are
39 proposing to obtain federal assistance for cameras and security devices for the existing
40 Glenmont and Wheaton garages and bus bays. They do not have security right now and
41 we think this would enhance passenger safety significantly but that will require a
42 supplemental appropriation from us later in the amount of about \$200,000. And likewise,
43 they are proposed to upgrade 31 small Ride On buses to a transit coach kind of vehicle
44 and hybrid and our current budget amount would be the County match for that. So let's



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1 hope that that federal money comes through. Then we have a little report on bus service
2 generally. We all get a lot of interest from the community on this. We were reminded
3 that new bus service in U.S. 29 area that was supposed to begin last spring was
4 delayed a year due to the late delivery of the small buses needed provide the service.
5 And then we have more or less a list of a couple of routes that bear watching. The
6 challenge for us all is if you don't run the buses, you're never going to get people on
7 them. On the other hand, there is a question of cost effectiveness and real justification
8 for retaining those routes. So Glenn has made a list of his favorites of concern and we
9 will continue to watch them all as well as others that are brought to our attention. I don't
10 know if anybody has any comments on that.

11
12 Council President Praisner,
13 No, no lights.

14
15 Councilmember Floreen,
16 Bus shelters, as the new Councilmembers will be interested in hearing, we did resolve
17 to conclude a lawsuit with Clear Channel over the billboards in Silver Spring which
18 required them to install new bus shelters throughout the County. Delays in shipment
19 and installation however caused them to not have met the schedule for them so far but
20 so we will expect the rest of them to be installed late next summer. Is that right?

21
22 Council President Praisner,
23 Let me ask a question about that. I keep waiting to see the full benefit of those shelters
24 meaning that there is information on the routes that stops there, the hours of the, you
25 know, when you can expect to see the bus not anything electronic just a piece of paper
26 that could be posted within the, and there is a brown framed place where that's
27 supposed to be and it's never been there. And I have harassed Glenn to know why it's
28 not there and when we're going to see it and he makes whatever mysterious phone
29 calls he does and then he calls me back but I still haven't seen anything that would tell
30 anybody waiting at that bus stop, what the route is, the designation of the route and the
31 timetable. So, where are we?

32
33 Carolyn Biggins,
34 We are still working with the contractor on it. This is a schematic of what it looks like,
35 there is a map of the area with the bus routes and then there's bus routes, the
36 timetables associated with it. And then there's another map that's put in that's more of a
37 walking map a sort of you are here and what are the buildings you see around you to
38 sort of help orient you to the neighborhood.

39
40 Council President Praisner,
41 Is that vertical so it will slide into the vertical slots that are there because that's
42 horizontal and it won't fit.

43
44 Carolyn Biggins,



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1 Well, this is just an example. The actual, I think Bev said the actual dimensions are like
2 11x17 so they have been working with the contractor --.

3
4 Council President Praisner,
5 I don't think that'll fit in the brown frames that are there either. Why did we let Clear
6 Channel put those framings in if we're not ready and where is the delay? Is that a
7 separate contract?

8
9 Carolyn Biggins,
10 That's a separate contract under our division, we manage it and we have had two
11 vacancies in the unit so that's one reason why we, we're not further along really than we
12 had hoped to be at this --.

13
14 Council President Praisner,
15 How long have we had those bus shelters now in some places of the County? Two
16 years?

17
18 Carolyn Biggins,
19 Two years I think.

20
21 Council President Praisner,
22 And we can't slip a piece of paper in that says this is the route and a timetable?

23
24 Councilmember Floreen,
25 Perhaps we could have a less than perfect notification in those shelters.

26
27 Carolyn Biggins,
28 Yeah, we can look into it.

29
30 Councilmember Floreen,
31 Can you look into that?

32
33 Council President Praisner,
34 I mean, there's got to be something we can do in the interim for folks who walk up to the
35 bus stop and wonder what bus it is, when it's going to come and, you know, if we can
36 put the advertising in and they can man the advertising or support the advertising, we
37 should be able to stick a piece of paper in that at least tells you the route and the
38 timetable. We can also put a disclosure that says we are not responsible for actually
39 meeting the moment of the arrival because traffic or otherwise. I mean, whatever. That's
40 legitimate. I just want people to get information, if they're going to use it, they want
41 some information as to where the buses are going to go. I know there are regular riders
42 but there are also infrequent ones who need that information. Councilmember
43 Leventhal.



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1 Councilmember Leventhal,

2 While we're on the topic. Last week I dropped my motorcycle off for service at Airpark
3 Road and the number 90 route services Airpark Road but it only goes north of
4 Woodfield Road in the morning and evening rush but the bus stop doesn't let you know
5 that. It says number 90 stops here. So the service, you know, the folks who were
6 working on my motorcycle said oh yeah, ride on the bus right across the street, no
7 problem, you can get a bus to Shady Grove Road, to Shady Grove Metro. 45 minutes
8 later I discovered after calling 777-RIDE which is not easy to do because my Blackberry
9 doesn't have the RIDE on it so you know, I had to look, I was determined to do this
10 without, I was determined to figure this out myself as a bus rider --.

11
12 Council President Praisner,
13 Average person.

14
15 Councilmember Leventhal,

16 Yeah, you know, and not call my staff for help or something like that but it wasn't easy. I
17 mean it was just a, ultimately I got through to the operator at 777-RIDE who told me oh
18 yeah the number 90 doesn't service that bus stop except in the morning and in the
19 evening and then finally they had to give me, it would have taken me, by the time I
20 walked down to 124 to get the bus to Shady Grove Metro, I would have, the Council
21 President would have been mad at me because she would have been --. (unknown
22 noises) And I wouldn't have been here so finally the dealer broke down and gave me a
23 ride to Shady Grove Metro but it was an unsuccessful attempt at utilizing Ride On.
24 Which had I known timely if the bus stop had merely said morning and evening service
25 only then I would have immediately walked down to Woodfield Road and I would have
26 made it on time. So lack of information at these bus stops, there's no shelter, it's fully
27 exposed. It's just a pole with a blue sign but it says number 90 on it and number 90
28 would have gotten me there but it's not enough information.

29
30 Council President Praisner,
31 Councilmember Berliner.

32
33 Councilmember Berliner,

34 I just have to share with you that I cringed when I heard your response to this question
35 because it is, and I know you are well meaning and I am sure that you are short staffed
36 but it's just incredible to me that 2 years later we have not been able to figure out a way
37 to put a piece of paper in these bus shelters telling people what they need to know in
38 order to use the system and it is what gives government a bad name. It's a classic
39 example of what gives government a bad name. And again, I know you are trying as
40 hard as you know how to do these kinds of things but it's just not acceptable, you know,
41 these kinds of things. It's what drives citizens nuts as to why are they spending all this
42 money on government and they can't even put a piece of paper in that we could make
43 ourselves, you know, and put in. So, I just --.



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1 Arthur Holmes, Jr.,
2 -- and we will improve.

3
4 Councilmember Berliner,
5 Thank you.

6
7 Council President Praisner,
8 Okay, let's move on because my goal is to finish this packet Councilmember Floreen by
9 12:30.

10
11 Councilmember Floreen,
12 Okay, good, let's go with it. Let me just note on the bus advertising there are electronic
13 notification that we expect to be in installed as well and the challenge of all of this all is
14 letting the focus on the big picture on some of these distract us from some sort of basic
15 informational needs. Taxi regulation, new Councilmembers were spared the effort we
16 went through several years ago with respect to taxi regulations. And there's an update
17 here. We will be seeing a new operation in the County, viola, it sounds, well Italian but -
18 -.

19
20 Council President Praisner,
21 Doesn't mean it's wrong.

22
23 Councilmember Floreen,
24 I don't know. It's fine. I'm thinking of a food but it's lunchtime. There is a modest
25 increase in the program doing, due mainly to implementation of a mystery rider program
26 which is our way of keeping track of how the taxi regulations are going. With respect to
27 call and ride, this is a transportation subsidy program for low income seniors and low
28 income individuals with disabilities. The County Executive has, let's see here, proposed
29 to increase the value of the coupon books that people purchase to \$60 with the object of
30 reaching as many households as possible under \$30,000 in annual income. And the
31 Committee felt that this proposal comes closer to that. Glenn had some alternative
32 solutions that we spent some sometime discussing and ended up agreeing with the
33 County Executive.

34
35 Glenn Orlin,
36 Could I just have, the Executive has recommended two things in this program.

37
38 Councilmember Floreen,
39 Right.

40
41 Glenn Orlin,
42 One is to increase the value of each book to \$60, it's \$56 now and you can buy two
43 books a month, now you could buy two \$60 books per month. And the other is to create
44 a fourth category, fourth income category which would be from \$20,000 to \$25,000



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1 where the subsidy would be 50%. And what I had recommended was on the latter point
2 to instead use that money to deepen the discount in the existing 3 categories but the
3 Committee felt that, they agreed with the Executive, felt it was important to reach out to
4 the 20 to \$25,000 range folks.

5
6 Councilmember Floreen,
7 Next fares for seniors building on Councilmember Andrews proposal of last year, the
8 County Executive now recommends and the Committee supports allowing seniors and
9 the disabled to ride free on Ride Ons and Metro buses all day. And that's that. Mr. Orlin
10 of course had a more frugal approach that the County rejected out of hand, that the
11 Committee rejected out of hand. I'm assuming you're with us on this Ms. Ervin. Smart
12 Trip Card discount on Ride On, what we, was announced yesterday actually is you, can
13 you use the Smart Trip Card on everything now?

14
15 Carolyn Biggins,
16 On all the Ride On buses and the Metro buses and the Metro rail.

17
18 Councilmember Floreen,
19 So, you can use your Metro, Smart Trip Card to get around seamlessly as it were. And
20 this is a great achievement for the County. There is, there are some details to be
21 worked out in terms of how you do the math on passes and the like which is in the
22 process of being resolved, let's put it that way, is that fair to say?

23
24 Carolyn Biggins,
25 Yes, we anticipate that passes will probably be put onto the Smart Trip Card next year.
26 We need some time to bring on the rest of the systems in the region, make sure the
27 system is stable and then we will put the passes on our Smart Trip Card.

28
29 Councilmember Floreen,
30 Apparently these Smart Trip Cards are smart enough to detect the different modes and
31 adjust appropriately.

32
33 Council President Praisner,
34 There are some lights of Councilmembers. Mr. Berliner was first.

35
36 Councilmember Berliner,
37 No, I apologize, mine should be off.

38
39 Council President Praisner,
40 No, okay.

41
42 Councilmember Knapp,



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1 Council Vice-President Knapp. Thanks. I just wanted to, so we have the Smart Trip
2 Card within Montgomery County and the District? And does it extend into, because I
3 know the whole region has been trying to figure out how to coordinate this.

4
5 Carolyn Biggins,
6 The whole region eventually will be on the Smart Trip Card.

7
8 Carolyn Biggins,
9 Right now, every Metro bus has it, wherever it is in the region.

10
11 Councilmember Knapp,
12 Okay.

13
14 Carolyn Biggins,
15 All the rail has it and ride on has it and I believe Dash has it as well down in Alexandria.

16
17 Councilmember Knapp,
18 Okay.

19
20 Carolyn Biggins,
21 So, but eventually Prince George's and the rest of them are all going to have it.

22
23 Councilmember Knapp,
24 So, as long as you're either within Montgomery County or within the district or on a Ride
25 On bus you're fine for now and then we will continue to expand throughout the region.
26 Okay. Great. Good work.

27
28 Edgar Gonzalez,
29 In fact we are also considering the exploring the possibility of using them in parking
30 garages so we're going to be looking into that and seeing if the technology is there and
31 allow us to use the same card for that.

32
33 Councilmember Knapp,
34 Okay.

35
36 Council President Praisner,
37 Councilmember Leventhal.

38
39 Councilmember Leventhal,
40 Yeah, thank you. I just wanted to note, I'm just going back two items very quickly, on the
41 issue of call and ride members, not the official position of the Commission but several
42 members of the Commission on Aging approached me and requested that we put on
43 the reconciliation list an additional subsidy above that recommended by the County
44 Executive. I'm not moving that now. I just wanted Commission members to know that I



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1 was aware of the request. My sense is that by providing free Ride On fares that will
2 address some of the same needs so we're doing quite a bit here. And I want to be
3 responsive to the participation of our Board and Commission members. I'm not going to
4 follow through on the suggestion but I don't know if any of them are here or if they're
5 watching, I didn't want them to think that I had not heard them or was not aware of their
6 request. I do strongly support the initial, the original initiative by Mr. Andrews and Mr.
7 Leggett's proposal to extend free ride on service all day and I note, and I don't mean to
8 pile on, because he does such good work for us, but I noticed that Glenn Orlin has
9 deleted the language in his earlier memo that said that there is not a correlation
10 between being elderly and being disabled and being low income because, number one,
11 I think there is a correlation between being disabled and being low income and number
12 two, I think that elderly people who ride the bus have a very high propensity to be low
13 income.

14
15 Council President Praisner,

16 Well, I think it's important though if we get these kinds of proposals that we have an
17 opportunity to float them as well with the broader community because as the packet
18 notes, there are, if that were the case it also might have some disadvantages in certain
19 areas of the community. So folks need to understand all of the options that weren't --.

20
21 Councilmember Leventhal,

22 Very quickly and I'm sorry, and I just wanted to remind the department please that I had
23 asked you in Committee and I don't forget these things, I need a memo on this issue of
24 the Smart Trip discount. I'll look forward to getting that thanks.

25
26 Unidentified,

27 Yes.

28
29 Council President Praisner,

30 Councilmember Berliner.

31
32 Councilmember Berliner,

33 The conversation made me think of the following, is there any way that our Smart Card,
34 perhaps it would require a genius card, but can our Smart Card differentiate so that we
35 could have discounted parking for people who use Metro? Is there a way that systems
36 do that?

37
38 Arthur Holmes, Jr.,

39 Not that I know of --.

40
41 Council President Praisner,

42 That's really, really --.

43
44 Councilmember Berliner,



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1 I know, that's why I said could be the genius card but I'm trying to see, is there any way
2 that we can --. There's not.

3
4 Arthur Holmes, Jr.,
5 No.

6
7 Councilmember Berliner,
8 --provide. The answer is no.

9
10 Councilmember Floreen,
11 And there are a variety of policy issues.

12
13 Councilmember Berliner,
14 We need those people that we gave the award to, -- those kids that -- they could do this.

15
16 Edgar Gonzalez,
17 (multiple voices) Some of them could do the biodiesel for us.

18
19 Unidentified
20 They could probably --.

21
22 Council President Praisner,
23 Okay, we only have a couple of pages left --.

24
25 Councilmember Floreen,
26 We're close, we're very close.

27
28 Council President Praisner,
29 --well we were going to do some other items but we're going to be behind that means
30 we have to move spritely this afternoon.

31
32 Councilmember Floreen,
33 Okay, just so you know, we're keeping an eye on whether it's cheaper to provide Ride
34 On service or Metro bus service and what Glenn's study, well with DPW study the
35 matter reveals it depends on what you count. So we're keeping an eye on this, the cost
36 of maintenance and facilities to support the fleet needs to be taken into consideration.
37 So that's something now we know and that's a good thing. Okay, next item is some
38 Supplemental appropriations and CIP Amendments. First one is Montrose Parkway
39 East. Let's see here, this is the part of the Montrose Parkway that's going to continue to
40 the rest of the part of the Montrose Parkway that's under construction and the
41 intersection improvement that is going to go forward at Rockville Pike and Montrose
42 Road. So, this is the part that continues the road. Basically we have not had a chance to
43 get into the details of this although we've been briefed on it and so what we are



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1 proposing is typically we get into the effort after more engineering has been completed.
2 Right now, let's see, the proposal is to approve the supplemental of --.

3
4 Unidentified
5 \$418,000.

6
7 Councilmember Floreen,
8 \$418,000 in general obligations bonds as part of a request to reimburse the ALARF
9 acquisition fund here. This involves the acquisition of a home on Dewey Road that is
10 going to be needed to construct the Parkway and we have advised them to move ahead
11 with acquisition as homes come on the market it certainly is less disruptive to the
12 community and creates less concern. It still reserves everybody's right to argue later on.
13 But in the meantime, what we're recommending is to approve the supplemental
14 appropriation but defer any decision on the amendment to the CIP until late June if you
15 think that's when we're going to get to it, after both the Planning Board and the
16 Committee have gotten into the details of the Montrose Parkway East project.

17
18 Council President Praisner,
19 Can you explain to me why this is timely for us to be taking an action on since we have
20 not had those other discussions as yet.

21
22 Glenn Orlin,
23 Let me just go back. What's programmed now for Montrose Parkway East is design.
24 Just design. There's no construction money and that design would be starting frankly in
25 June. It's very close to starting. What happened during the course of last year in
26 December, there is a house that came on the market which the design showed would
27 have to be acquired if the road was to be built and so ALARF bought it. The ALARF
28 fund bought it and this is a reimbursement to ALARF so ALARF is held whole. However
29 the Council has never reviewed, they reviewed the project at the end of phase one
30 facility planning but typically you approve a project for design and construction funding
31 once you get all the way through facility planning phase 2, at the end of facility planning
32 which has just basically now happened. But last year there were 3 projects that you, in
33 my mind, jumped the gun on at the Executive's request, Montrose Parkway East,
34 Chapman Avenue and MacArthur Boulevard. Later, this afternoon I guess, we'll get to
35 4B, MacArthur Boulevard and Chapman Avenue are now, let's put it this way, in the
36 minds of what the Council had been up through last year, ready to be considered as full
37 project funding. And so, in fact the Committee's recommending funding both of those.
38 Montrose Parkway East is a little bit later than that. It is now, facility planning is done
39 and the thought is you would have that reviewed after Park and Planning does its
40 mandatory, which I understand is going to be in June --.

41
42 Edgar Gonzalez,
43 It has now been scheduled for September.



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1 Glenn Orlin,
2 September. Oh.

3
4 Council President Praisner,
5 Well, let me again ask the question, if ALARF has funds to acquire the building and the
6 building's already been acquired, why are we approving the money for the building in
7 this project as opposed to continuing to fund it in ALARF?

8
9 Glenn Orlin,
10 Really, the question now is whether or not you want to make ALARF whole so it has,
11 ALARF has more money to acquire other things or not approve the appropriation.

12
13 Council President Praisner,
14 Is this the Park and Planning ALARF or the County's ALARF?

15
16 Glenn Orlin,
17 This is County's ALARF. It's a master plan facility. It's --.

18
19 Council President Praisner,
20 No, I understand that, but my point is --.

21
22 Councilmember Floreen,
23 The question is now or later, is there any reason not to wait until the whole project?

24
25 Glenn Orlin,
26 The decision is whether or not you appropriate any money for ALARF and it really has
27 more to do with, does ALARF have enough money to keep it going as well.

28
29 Council President Praisner,
30 Right and that's my question.

31
32 Glenn Orlin,
33 And, I believe it has money but it, I'm not sure --.

34
35 Council President Praisner,
36 Well, you may not want to speak specifically about projects because that's part of the
37 reason why ALARF is ALARF is to allow you the flexibility within master planned and
38 approved concepts to purchase and to take advantage of opportunities. My question is if
39 you know you need it because you have other things likely to come forward and for
40 which you need this ALARF, for which Park and Planning's ALARF cannot be used,
41 then I would say okay but I'm trying to understand why we would do this piecemeal at
42 this point.

43
44 Glenn Orlin,



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1 Ms. Carter, you might want to answer.

2
3 Jacqueline Carter,

4 To answer your question in general the ALARF the fund, we keep it at about \$8 million
5 revolving, 7.7 million revolving and we're down I think about \$2 million plus and it's
6 somewhat of a juggling act to kind of estimate when we are going to need the funds and
7 we need to replenish so what we do need to do is try and keep it as close to whole as
8 possible because usually we're overbooked in terms of anticipated purchases versus
9 how much is in the fund and that, given that we have spent this money we are
10 requesting \$480,000 to replenish ALARF and we had two others.

11
12 Glenn Orlin,

13 Two other projects, both the Civic Center and --.

14
15 Jacqueline Carter,

16 The Recreation Center.

17
18 Glenn Orlin,

19 The Recreation Center. There's three projects in the Executive's request. The other two
20 are not transportation projects.

21
22 Council President Praisner,

23 But you need the other two as well in order to get ALARF ready to acquire other
24 projects.

25
26 Glenn Orlin,

27 Right. They're scheduled for the 17th for action.

28
29 Council President Praisner,

30 That's our answer.

31
32 Unidentified

33 There you go.

34
35 Council President Praisner,

36 Okay.

37
38 Glenn Orlin,

39 So I guess the only thing I'd change -- just said is that the Committee's review of this
40 probably won't be until the fall.

41
42 Councilmember Floreen,

43 Apparently not. Okay, next item Silver Spring Metro Rail Station south entrance,

44 Executive's recommending an amendment to build a new entrance from -- on the east



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1 side of Coleville in Silver Spring because of the Transit Center development. Some of
2 us who have been around for a while said, gee, is this not somebody else's job and we
3 badgered the department into checking the history and indeed there are some financial
4 obligations out there. Which, I must make an aside which is why we need someone who
5 keeps track of developer obligations and follows them. Because it turns out there is an
6 bond for an unbuilt bridge over the Metro tracks that could pay for this. However, given
7 the fact that the Park and Planning Commission can't do anything without a complex
8 public process, we have been told that they have to reconsider a site plan in order to
9 reallocate the current bond to pay for this. So I think we're stuck with having to
10 appropriate \$400,000 for this access basically involves opening up the wall and
11 installing some turnstiles, I think it should, this include the direction that County money
12 would be replaced with bond money from the Folger Pratt obligation should that be
13 done in an appropriate timeframe. We are told it takes several weeks for Park and
14 Planning to do it. I know the department has asked that Park and Planning reallocate
15 the dollars and we think that those dollars should go towards paying for this access
16 point.

17
18 Council President Praisner,

19 Are you suggesting that we can't identify as the source of funding the bond? Why not?

20
21 Glenn Orlin,

22 It's the Planning Board's decision not yours. It's a site plan approval. We are not sure
23 even if the applicant has to apply for this. It won't be before the Council, the Planning
24 Board until --.

25
26 Councilmember Floreen,

27 We have gotten twisted up in rules.

28
29 Glenn Orlin,

30 Until June. It's not the Council's decision.

31
32 Council President Praisner,

33 Well, --.

34
35 Glenn Orlin,

36 This one is actually not the Council's decision.

37
38 Council President Praisner,

39 I understand that but is the PDF, there is no PDF.

40
41 Glenn Orlin,

42 Yeah there is.

43
44 Council President Praisner,



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1 Well can the PDF reflect some comments to that effect?

2
3 Glenn Orlin,
4 We could do that.

5
6 Councilmember Floreen,
7 Yes, we like that too.

8
9 Council President Praisner,
10 Why can't we make some reference -- Should the Planning Board's review determine
11 that this is an eligible use of that funding that that would be the primary preference of
12 the Council?

13
14 Glenn Orlin,
15 I guess, -- let me just point out that for reconciling this CIP we would be assuming
16 \$400,000 in GO bonds in 07. Changing that source of revenue in June would have the
17 effect on that obviously and that \$360,000 could be used for something else in a way
18 which might defray some other County responsibility. So the question is how you, how,
19 we don't know how this \$360,000 is going to be used.

20
21 Councilmember Floreen,
22 This money has been sitting, I mean, this money for that obligation has been sitting
23 there for over 10 years not being used for anything, now we have a plan, hasn't been
24 used by anybody else. I think, I see Park and Planning would just as soon keep it and I
25 think we want to convey to Park and Planning that these dollars should be directed for
26 this project.

27
28 Council President Praisner,
29 What is the sense of urgency on our appropriating money now?

30
31 Glenn Orlin,
32 The, well, go ahead Edgar.

33
34 Edgar Gonzalez,
35 Yes, this entrance is an integral part of facilitating access to the station during the
36 beginning of our interim transition so this will facilitate access from about 1000 --
37 employees that are using the system right now and it will provide a much better access
38 to 2411 condo units in that vicinity that will have a more direct access to the Metro
39 Station, to the Silver Spring Metro Station and again, it will facilitate, it will shift the
40 people from the --.

41
42 Council President Praisner,
43 Right, but I'm asking. (multiple voices) I'm asking a timetable.



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1 Glenn Orlin,

2 The timeframe is that whenever the Council approves appropriation, we then have to go
3 back to the WMATA Board to get the Board to approve it. That will be the following
4 month and only then will we be able to go ahead and start construction and take, I don't
5 know a month or, -- but the Transit Center is going to start construction when? In this
6 summer?

7
8 Unidentified

9 Fall probably September or October.

10
11 Council President Praisner,

12 Well, then --.

13
14 Glenn Orlin,

15 So, it's cutting it close.

16
17 Council President Praisner,

18 It's cutting it close but it also might be possible. Mr. Leventhal last comment before we
19 break.

20
21 Councilmember Leventhal,

22 Well, I guess I would just like to leave this matter open.

23
24 Council President Praisner,

25 I understand.

26
27 Councilmember Leventhal,

28 You know, I appreciate the Council President's apt questions and I think the Committee
29 is of one view on this and I had not seen Chairman Hanson's letter prior to his being
30 with us yesterday. I don't know if he or his staff are watching.

31
32 Council President Praisner,

33 He will be back Thursday morning.

34
35 Councilmember Leventhal,

36 Yeah, I mean I sure wish we could deal with this as colleagues and as, you know, fellow
37 representatives of the taxpayer and not as somewhat stubborn independent entities.
38 This, you know, we have a common challenge access to Metro, there is an available pot
39 of money which would relieve the public burden and incidentally the Planning Board is
40 hoping that we will treat them quite generously in this budget session with limited
41 County dollars. It just seems so obvious that we should move in this direction, I'm
42 surprised and disappointed in the tone of the Chairman's letter.

43
44 Glenn Orlin,



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1 I have to say I talked with the Chairman myself about this on Friday. He understands
2 the issue, he wants to make something happen here. His problem was in fact the notice
3 requirements, that this is a regulatory matter, it's not something we can just bring up in a
4 Planning Board meeting and the earliest they could schedule would be sometime in mid
5 to late June.

6
7 Council President Praisner,
8 Well, mid to late June may fit with that time period.

9
10 Councilmember Floreen,
11 It's right around the corner.

12
13 Unidentified
14 While the main construction of the Transit Center would be probably September or
15 October timeframe, in the meantime we are continuing to work on the interim operation
16 facility which includes significant work in July and August along Coleville Road and it's
17 going to be right around that entrance into the Metro Station and that's why it's really
18 critical to try to --.

19
20 Council President Praisner,
21 (multiple voices) And a shuttle bus in the interim until this is fixed would not be an
22 alternative?

23
24 Unidentified
25 Well, I don't know exactly where a shuttle bus would really drop people off in there.
26 Colesville Road goes right past that area and not much room for it to stop underneath --.

27
28 Councilmember Floreen,
29 It seems to me we should be able to approve a project and PDF that includes
30 appropriate language to accommodate this with a direction to the Planning Board to just
31 tell them we, this money needs to be reallocated to this pressing and immediate effort
32 frankly that should have been done 13 years ago.

33
34 Glenn Orlin,
35 So -- then would add text to the PDF --.

36
37 Council President Praisner,
38 Yes.

39
40 Glenn Orlin,
41 Which would say that.

42
43 Council President Praisner,
44 Yes.



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1
2 Glenn Orlin,
3 Okay. I understand.
4
5 Council President Praisner,
6 Okay. We are in recess. We will be back at 1:30 for Public Hearings. There are two
7 speakers for the, there are two Public Hearings and there are two speakers for one of
8 the items, at least two speakers. And then we will come back to about 1:45 maybe 1:40
9 to get back to DPWT and then after that we have the other departments. Our goal was
10 to try and break for a little bit around 3:30. So I'm just reminding everyone. And we have
11 a brief meeting regarding the bi-county budgets now. And it won't be long so we can go
12 get lunch.

May 8, 2007



TRANSCRIPT
May 8, 2007

MONTGOMERY COUNTY COUNCIL

Councilmember Marilyn Praisner, President
Councilmember Phil Andrews
Councilmember Marc Elrich
Councilmember Nancy Floreen
Councilmember Duchy Trachtenberg

Councilmember Michael Knapp, Vice-President
Councilmember Roger Berliner
Councilmember Valerie Ervin
Councilmember George Leventhal



May 8, 2007

1 Council President Praisner,
2 Good afternoon ladies and gentlemen. This is a public hearing on a special
3 appropriation to the Montgomery County Public Schools' FY07 Capital Budget and
4 amendment for stormwater management in the amount of \$1,200,000. An Education
5 Committee worksession is tentatively scheduled for tomorrow at 8:00 a.m. Let's see,
6 there are no speakers? Okay. Here's my question. Let's see, where is it? My question
7 relates to the schools that are identified, the status of those schools from a standpoint of
8 both water quantity and water quality and what information we have relative to those.
9 So, and whether we are bringing them up to current standards as are legally required
10 now. Okay?

11
12 Keith Levchenko,
13 Right we'll get that documentation for you. Those questions were already asked at
14 MCPS.

15
16 Council President Praisner,
17 Okay.

18
19 Keith Levchenko,
20 We do have an inventory of all their facilities and we have an inventory of facilities they
21 were doing this year as part of the more urgent work. Staff is getting me a copy of the
22 work that would be part of the 1.2 million. The other issue is with regard to the, they
23 would be brought up to the standard that DEP requires in order to have them
24 transferred to DEP for maintenance and DEP is responsible for inspecting the facilities
25 and responsible under the state's MPDES permit. So, they would be consistent with the
26 permit requirements.

27
28 Council President Praisner,
29 Okay. My problem is some of the schools received waivers that would not be
30 appropriate at this point and if we're going to bring them up to standards, then the
31 question was, is the waiver appropriate? And it would seem to me that we should use
32 this opportunity to make sure that they meet the requirements if they were coming into
33 the system now because we're absorbing them at this point.

34
35 Keith Levchenko,
36 Okay. That is a separate issue.

37
38 Keith Levchenko,
39 Not addressed with this 1.2 million.

40
41 Council President Praisner,
42 Well, that's what I want to know the number and the amount and the status.

43
44 Keith Levchenko,



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1 Okay.

2
3 Council President Praisner,
4 Because I don't want to have the impression that we're doing all the schools period and
5 this is the last time.

6
7 Keith Levchenko,
8 Right.

9
10 Council President Praisner,

11
12 Okay?

13
14 Keith Levchenko,
15 Right.

16
17 Council President Praisner,
18 Thank you. Good afternoon ladies and gentlemen. This is a public hearing on a
19 supplemental appropriation to the FY07 Operating Budget for the Rockville Parking
20 District NDA in the amount of \$227,880 and the Department of Public Works and
21 Transportation for Rockville and Bethesda Libraries Parking in the amount of \$20,000.
22 Action is tentatively scheduled for May 17th, 2007. The record will close at the
23 conclusion of the hearing. Before you begin in your presentation, please state your
24 name clearly for the record. Obviously, there, before we call folks up, there has been,
25 there's been a lot in the paper about potential issues the Council may consider, but I
26 want to stress that this is not a public hearing on any issue that is not before the Council
27 at this time. It is a public hearing on the supplemental appropriations and only the
28 supplemental appropriations. The Council does not have anything else in front of it at
29 this point. We have three speakers . Irwin Charles Cohen, Lori Meisner and Jack Gillon.
30 Oh, everyone should come up at the same time please. Please push the button in front
31 of you. Mr. Cohen. You're first.

32
33 Irwin Charles Cohen,
34 Irwin Charles Cohen, Rockville, Maryland. I appreciate the advisory that you gave
35 Council President Praisner. However--.

36
37 Council President Praisner,
38 There is no however. This is, the hearing we're holding, is on the supplemental, not on
39 any other issues.

40
41 Irwin Charles Cohen,
42 Okay.

43
44 Council President Praisner,



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1 Those issues are not before the Council. They have not been introduced for
2 consideration and this is not a public hearing on them. The Public Hearing -- .

3
4 Irwin Charles Cohen,
5 Even if staff mentioned it in their (multiple voices).

6
7 Council President Praisner,
8 --may or may not. But the public hearing is on the supplemental.

9
10 Irwin Charles Cohen,
11 Well, as far as the supplemental is concerned, then I'll have to depart from my remarks
12 which I handed in and I hope that the Clerk will in fact distribute that to all members of
13 the Council irrespective of what the Council President has advised. The
14 recommendation of the MFP Committee, in effect leaves it open as to whether in fact
15 the matter of free parking will arise. And I believe that in the very minimal, of course,
16 they should carry forward funding, mainly the, this Council should carry forward funding
17 for fiscal year 2008 to the extent recommended. However, if anybody would want to
18 make a recommendation of expanding it to the full, full year 2008, I think that would be
19 highly appropriate and very consistent with what the predecessor Council intended for
20 the future as far as free parking throughout all of Montgomery County. And my hope
21 would be that that would in fact take place when the opportunity arises for the full
22 Council to consider the supplemental, namely to move it up for the entire year. Because
23 this issue is resolved already last year and this Council in 2007 should move on to 2007
24 issues and not dig up something which was already resolved. I thank you for your time.

25
26 Council President Praisner,
27 Thank you. Lori.

28
29 Lori Meisner,
30 Yes, hi. My name is Lori Meisner. I'm the President of the Burgundy Estates Civic
31 Association. And I'm here also to address the issue of, for Rockville, to continue what
32 had been planned originally to allow the residents of Rockville to have free access to
33 our public library. I find it rather interesting that basically what we have here is a
34 proposal by one individual versus all of the citizens of Rockville.

35
36 Council President Praisner,
37 There is no proposal in front of the Council, okay. All there is is a supplemental for this
38 budget.

39
40 Lori Meisner,
41 Then, I would like to, you know, second what Mr. Cohen said and to continue to, with
42 the, the intention was with the other Council to avail people in the City of Rockville to
43 continue to have access to free parking at a free public library.



May 8, 2007

1 Council President Praisner,
2 Thank you.

3
4 Lori Meisner,
5 Thank you.

6
7 Council President Praisner,
8 You're next sir. You need to push the button in front of you. Thank you.

9
10 Jack Gillon,
11 Good afternoon. I'm Jack Gillon. I'm President of Rockville Internet Library Activists.
12 Since now I know the limited nature of this Hearing, I just want to say, I support the
13 supplemental but in the context of a whole program for parking in libraries, I'm going to
14 support free parking now and in the future just the way the Council voted last year.

15
16 Council President Praisner,
17 Thank you.

18
19 Jack Gillon,
20 Thank you very much.

21
22 Council President Praisner,
23 Thank you very much. There are no further speakers. This concludes this hearing. We
24 will go back now to a worksession on the FY08 Capital and Operating Budgets, the
25 Department of Public Works and Transportation. And I believe Councilmember Floreen
26 you can begin wherever you want with the Operating Budget. Let's do the Operating
27 Budget items first.

28
29 Councilmember Floreen,
30 Madam President, we're finished.

31
32 Glenn Orlin,
33 We're finished with that.

34
35 Council President Praisner,
36 Are we?

37
38 Councilmember Floreen,
39 Yes.

40
41 Council President Praisner,
42 (multiple voices) Okay. Well, we do have no --.

43
44 Councilmember Floreen,



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1 4b.

2

3 Council President Praisner,

4 Okay. But we do have Fleet Management, Motor Pool elements that you may want to
5 comment on further. No.

6

7 Glenn Orlin,

8 That was later. I mean, we did 4A this morning. We're doing 4B now and then --.

9

10 Councilmember Floreen,

11 That's later.

12

13 Council President Praisner,

14 Okay.

15

16 Councilmember Floreen,

17 They're together right?

18

19 Council President Praisner,

20 All right. Okay. It's 1:45. I just thought you'd want to do the operating pieces first, that's
21 all.

22

23 Glenn Orlin,

24 They're not here.

25

26 Council President Praisner,

27 And then pull all the capital together. That's what I had indicated to folks.

28

29 Councilmember Floreen,

30 Well, we're just operating under Glenn's schedule.

31

32 Council President Praisner,

33 Okay. Fine. Go ahead.

34

35 Councilmember Floreen,

36 Okay.

37 Council President Praisner,

38 We'll operate under Glenn's --. Schedule according to Orlin.

39

40 Councilmember Floreen,

41 Not the recommendations.

42

43 Council President Praisner,

44 No. The schedule. Well, sometimes the recommendations.



May 8, 2007

1
2 Councilmember Floreen,
3 Okay. We are on agenda item 4B, several amendments to the Capital Improvements
4 Program. First item is Shady Grove access tax.

5
6 Council President Praisner,
7 Excuse me Nancy. Can the Clerk shut the timer off before the bells go off? Thank you.

8
9 Councilmember Floreen,
10 Maybe we should use that.

11
12 Council President Praisner,
13 Okay. Nancy, go ahead.

14
15 Councilmember Floreen,
16 This is really a bookkeeping issue. There is some state money going into the Shady
17 Grove access bike path. A little less than had been anticipated and so the County
18 Executive is recommending that we make up the difference with general obligation
19 bonds. Doesn't affect the completion year of 08. And so we recommend that approval.
20 Second item is the Silver Spring Green Trail. This is one of those situations where we
21 find it rather dependent upon what's going to happen with the, for the Purple Line plan.
22 In the past, we deferred it as that effort got delayed and we continued to recommend
23 deferring it, frankly the County Executive had recommended deferring \$1 million of the
24 funding for this project from fiscal 10, fiscal 11. However, with the draft environmental
25 impact statement issue having to do with the need for better ridership information, we
26 understand that the Purple Line study is delayed as well. Consequently, we recommend
27 that the whole trail project should be delayed to have construction beginning in fiscal 10
28 and ending in fiscal 11 and understanding that we will be paying considerable attention
29 to the alignment issue for the Purple Line. Any questions?

30
31 Council President Praisner,
32 No. Just keep going unless I jump in if there's a light on, okay?

33
34 Councilmember Floreen,
35 Sure. MacArthur Boulevard Bikeway improvements, DPWT has completed facility
36 planning for this \$9 million project, which will basically provide two to three foot-wide
37 shoulders along MacArthur Boulevard and some improvements to the parallel shared
38 use path. We programmed money for the project design to be spent in fiscal 11 to 12.
39 We want, the T&E Committee agreed with staff that this project should proceed more
40 expeditiously and so, we recommend approval of the PDF on Circle 3. And that calls for
41 it to be funded in, start funding it in '08, right Glenn?

42
43 Glenn Orlin,
44 Yes.



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Councilmember Floreen,
'08 through 11.

Glenn Orlin,
Design will be '08 and '09. Construction will be in fiscal years 10 and 11.

Councilmember Floreen,
Next item, Burning Tree Bridge, this is a bridge that has been rated as structurally deficient. Project will be to replace it and modify the abutment. The County Executive proposes this to be funded with \$746,000 of federal aid and \$680,000 in GO bonds to be built in '08/09. And we all recommend approval on that. Citadel Avenue extended. This is one of these new roads. It's all basically the same road, right? Is this the one?

Glenn Orlin,
Yeah, it's Chapman Avenue, Citadel.

Councilmember Floreen,
The Chapman Avenue, I mean they're all named the same thing, different names but it's basically the same road, which will help with the connections between, on the east side, right, of Rockville Pike in the vicinity of White Flint. Basically we had hoped to be able to adjust that a tad. We're not proposing anything. So, but the point is that the cost of County land acquisition may be higher if a private party is rolling this is not approved by the Planning Board. So it's basically a heads up. We may be seeing that sooner for an amendment.

Council President Praisner,
Just a question.

Councilmember Floreen,
Which is regrettable, but.

Council President Praisner,
Is this still scheduled for Planning Board action this summer, we had heard this morning about some Planning Board action that we thought was going to be in the summer, that it's going to be in September. Is this still scheduled for the summer? You can get back to me.

Edgar Gonzalez,
Okay.

Council President Praisner,
I'm just interested in --.



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1 Edgar Gonzalez,
2 I think --. (multiple voices) No, on Citadel Avenue, actually, we had Planning Board
3 approval a long time ago.

4
5 Glenn Orlin,
6 This is a, what's going before the Planning Board this summer is a subdivision approval.

7
8 Council President Praisner,
9 Yes.

10
11 Glenn Orlin,
12 For development.

13
14 Council President Praisner,
15 Right, and I guess, --.

16
17 Glenn Orlin,
18 Depending upon the --.

19
20 Council President Praisner,
21 Maybe I incorrectly phrased my question.

22
23 Glenn Orlin,
24 No, no.

25
26 Council President Praisner,
27 Let me suggest that my question is, is the Planning Board schedule still on track to
28 consider the item that is referenced in the packet.

29
30 Glenn Orlin,
31 Yes.

32
33 Council President Praisner,
34 How's that --.

35
36 Edgar Gonzalez,
37 And in addition to that I had a meeting with the affected developer and I have told them
38 that that's not good enough for us to proceed with the project. That the dedication of the
39 right of way is independent of the subdivision and we will support the subdivision. We're
40 working with them very closely. I have a letter from their attorney that they graciously
41 supplied in a draft form so that I can modify to what I believe is the fair and equitable
42 thing for the County. And I will be having those discussions this week with them. So I
43 think we're a go.



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1 Council President Praisner,
2 Okay.

3
4 Edgar Gonzalez,
5 It looks, the – looks pretty positive.

6
7 Council President Praisner,
8 Okay. Alright. Chapman Avenue.

9
10 Councilmember Floreen,
11 Chapman Avenue extended is part of this connectivity project to the east of Rockville
12 Pike. And basically this is, this is really an update. Last year we programmed money for
13 the design. This is proposing that we add the money for the rest. Correct Glenn?

14
15 Glenn Orlin,
16 That's correct. And that's on, shown on Circle 18.

17
18 Councilmember Floreen,
19 It's --.

20
21 Glenn Orlin,
22 The project's gone through facility planning now. It is already programmed for design.
23 And it's typically the time the Council considers funding for construction as well.

24
25 Councilmember Floreen,
26 And that's, the timing and the dollar amounts is shown on circle 18.

27
28 Glenn Orlin,
29 Right.

30
31 Councilmember Floreen,
32 Moving that forward.

33
34 Council President Praisner,
35 Okay.

36
37 Councilmember Floreen,
38 Continuing along the stretch of --.

39
40 Council President Praisner,
41 Any other lights?

42
43 Councilmember Floreen,



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1 Continuing along the stretch of the County is Neville Street extended. Basically there
2 are some issues associated with land acquisition here. Basically Glenn, we're showing a
3 delay in the project, right?

4
5 Glenn Orlin,
6 That's right.

7
8 Councilmember Floreen,
9 Regrettably. Tammy can always bring that back to us.

10
11 Glenn Orlin,
12 About a two year delay.

13
14 Councilmember Floreen,
15 About a two year delay.

16
17 Council President Praisner,
18 The Neville Street extended.

19
20 Councilmember Floreen,
21 This is the part that will go up along parallel, well, along the side of the CSX tracks north
22 of Montrose Road East.

23
24 Edgar Gonzalez,
25 Correct. And there is the possibility, we're doing appraisals because there is a building
26 right in the middle of the right of way. We're doing an appraisal for a partial take and a
27 full take. And then negotiate with the developer, well with the owners and make a
28 decision as to which way to go. If we reach agreement, then we will be able to proceed
29 with the project a lot earlier, so that's why we're asking that the application not be
30 touched because there is that possibility. If we have to go through condemnation, then
31 these reflects the worst situation for us as far as implementation because we can not do
32 quick take when we're dealing with buildings.

33
34 Councilmember Floreen,
35 Well, the question is, is the PDF as Glenn has it, sufficient for your purposes?

36
37 Edgar Gonzalez,
38 Yes, it is.

39
40 Councilmember Floreen,
41 Yes, okay. So that's what the Committee recommended.

42
43 Council President Praisner,



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1 From a standpoint of the project, though, it was anticipated to be completed in '08. And
2 now it's being pushed out for four, out beyond the four years.

3
4 Glenn Orlin,
5 That's right.

6
7 Council President Praisner,
8 This, in my view, is an example of where the growth policy assumed and captured this
9 capacity and now would have to subtract that capacity. But the development went
10 forward because it was in four years. And that's why I've asked the Planning Board to
11 look at that four-year issue, especially as it relates to roads because we have slippage
12 as it occurs. So, that's an issue we'll look at this summer. Okay. No lights.

13
14 Glenn Orlin,
15 We're at Burtonsville Access Road.

16
17 Council President Praisner,
18 Burtonsville Access Road.

19
20 Councilmember Floreen,
21 Yeah, I just wanted to note in that regard, that's basically Citadel is an advancement of
22 a project. And I think Chapman Avenue is too, right?

23
24 Glenn Orlin,
25 An advancement? Citadel Road, there's no recommended change at all to the approved
26 CIP. Chapman Avenue, the Council last year programmed design funding for '07 and
27 '08 but nothing more than that. Now, the facility planning is completed and there's a
28 reliable cost estimate and scope, recommendation is to fund the full project, not just
29 design but also construction for Chapman Avenue and that's what the PDF is back on
30 circle 18.

31
32 Councilmember Floreen,
33 Right.

34
35 Edgar Gonzalez,
36 And these would be counted under the AGB that would be built within the four year, it
37 will be in completed in FY11.

38
39 Council President Praisner,
40 Right. But, that's not my issue. My issue is when something has been counted, we
41 approve development and then it falls out of the AGB.

42
43 Glenn Orlin,



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1 Oh. But actually, Ed makes a good point Ms. Praisner. Is that, as of July 1st, Neville
2 Street even, will still be within four years.

3
4 Council President Praisner,
5 Well, your memo says it wouldn't. And that still is not, that still is my generic question
6 which we need to discuss, which is when a project is counted and then falls out in the
7 subsequent year, what, you know.

8
9 Glenn Orlin,
10 Yeah. That was my error.

11
12 Council President Praisner,
13 -- that issue.

14
15 Glenn Orlin,
16 It's my error in the packet.

17
18 Council President Praisner,
19 Okay, let's move on to Burtonsville Access Road, please.

20
21 Councilmember Floreen,
22 Okay, this is just an accounting issue. The County Executive is recommending deferring
23 some spending from 08 to fiscal 10 but not changing anything else. So it's just a math
24 effort. Brookville Service Park, we, last year, directed the redesign of this so this is a
25 proposed fueling station off of Brookville Road in Silver Spring that needs to be
26 constructed to support our fleet buses. However, there is, it was an issue with the right
27 of way of the Purple Line. We directed them to redesign it. It cost some more and the
28 completion has been delayed a bit. The CIP reflects those changes and that's what's
29 shown on Circle 29. Sidewalk and Infrastructure Revitalization. These are real important
30 community issues. We all hear from our constituents on a pretty regular basis about the
31 status of sidewalks, curbs and gutters. Under the concept of having an actual plan for
32 this, the County should be replacing 68 miles of curb and gutter and 34 miles of
33 sidewalk annually. We haven't gotten there. However, this fiscal year, the funding is
34 sufficient to replace 40 miles of curb and gutter and 20 miles of sidewalk. The fiscal, the
35 '08 CIP called for replace, sufficient funding to replace 50 miles of curb and gutter and
36 35 miles of sidewalk and the proposal before us from the County Executive is to reduce
37 the program spending by 2.3 million, which would cut replacements to 30 miles of curb
38 and gutter and 15 miles of sidewalk, less than half the goal. And those numbers are
39 proposed to be reduced as well in later years. And we have a list of the communities
40 that would be served by the County Executive's recommendation in our packet. If the
41 full dollar amount were retained in the CIP, we would be able to include, one, two, three,
42 four, five, six, seven, eight more communities. The T&E Committee recommendation
43 was to retain the programmed spending in the budget.



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1 Council President Praisner,
2 Okay. Oh, Council Vice-President Knapp.

3
4 Councilmember Knapp,
5 Thank you Madam President. Glenn, I apologize if we have this someplace and I just
6 missed it. Do we have a side by side that shows what was programmed within the CIP
7 and then contrasts that with what the Executive has recommended so when we look at
8 kind of the CIP recommendations, we can have a better understanding of the context. I
9 think what the Committee has recommended with these three, at least in these three
10 issues, are pretty significant and probably I'd keep them on track. I'm just not sure
11 where the Executive's amendments relate relative to what the Committee's already
12 doing. And so I don't know if we get a side by side that we can look at or not.

13
14 Glenn Orlin,
15 Well, I didn't, in trying to shorten the life of this packet, I didn't put all the various PDF
16 options there were. I just showed the Committee's recommendation but in the text it
17 shows that the Executive is recommending spending \$2,350,000 in FY08 and that
18 compares to --.

19
20 Councilmember Knapp,
21 Right. And I guess that would be specific projects but presumably the Executive has
22 recommended that to create capacity in other places within the CIP. So, is there, do we
23 get a kind of a side by side that we can see by his recommendations to reduce these
24 three that shows up someplace else to provide funded activity that wouldn't necessarily.

25
26 Glenn Orlin,
27 It doesn't work that way. What the Executive did when preparing the CIP is essentially
28 what the Council is doing too which is look at all the things, the entire CIP and for them
29 to reconcile their CIP recommendations before we sit over in January.

30
31 Councilmember Knapp,
32 Right.

33
34 Glenn Orlin,
35 And look at several projects and reduce. There's no one to one correspondence. It's not
36 like they took a couple million dollars out of this project to fund that particular project.

37
38 Councilmember Knapp,
39 No, I know it's not one to one but at the end of the day there's a list that we have and
40 then there's presumably a list that the Executive has and by creating capacity in some
41 number of projects that are now either projects that have accelerated or projects that
42 weren't on a list that are now on a list.

43
44 Glenn Orlin,



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1 Well, maybe Jackie can speak to how it's done in the Executive Branch but --.

2
3 Jacqueline Carter,

4 Well, I think what Glenn said is correct. We did our reconciliation and made these shifts
5 to accommodate the County Executive's recommendations and Glenn it basically doing
6 his own recommendations.

7
8 Councilmember Knapp,

9 I understand but we had an approved six-year CIP.

10
11 Glenn Orlin,

12 Right.

13
14 Councilmember Knapp,

15 And then the Executive recommended amendments to that CIP.

16
17 Glenn Orlin,

18 Right.

19
20 Councilmember Knapp,

21 And as a result of those amendments either a project has been accelerated or slowed
22 down and then there are additional projects that have been identified to that that he
23 thinks are a higher priority than what was in the six year CIP. Do we have a side by side
24 that shows us, here is what the CIP was, here is a result of those amendments, either
25 where things have sped up or where things have slowed down or new projects that
26 weren't there but are now there because of that increased capacity?

27
28 Glenn Orlin,

29 I think we can --.

30
31 Council President Praisner,

32 Yeah.

33
34 Jacqueline Carter,

35 (multiple voices) Speaking in terms of numbers, fiscal, for each of the six years how the
36 numbers have changed? Is that what you're referring to?

37
38 Councilmember Knapp,

39 I want to know, I want to know, we're going to look at these three projects. I think
40 sidewalk infrastructure, revitalization, resurfacing our primary and arterial roads and
41 resurfacing of rural residential roads are significant. The County Executive has
42 recommending reducing those presumably to create capacity somewhere else within
43 the CIP. And so at some point we need to reconcile those pieces so I just want to get a



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1 sense of what additional projects or what things have the Executive recommended
2 accelerating so we know what's competing against what.

3
4 Glenn Orlin,

5 Let me answer two ways. First of all, we can get the list, the Executive sent over his
6 recommended CIP back in January. He said, here are the changes, there's some adds,
7 some subtracts and that was off of the approved CIP so we can get that for you. But let
8 me suggest that that's not really a good way of looking at how your decision making
9 should be. You should be deciding, I think, what it is that you want to do and then if it's
10 too much money in the end, which it will be, decide then what you want to cut back on.
11 What the Executive's particular cuts were to, in these particular projects, were to bring it
12 down to level to fund things that he wanted to add, you may want to add other things
13 you may want to subtract other things.

14
15 Councilmember Knapp,
16 Right.

17
18 Glenn Orlin,
19 And, so it's interesting but it's certainly not dispositive.

20
21 Councilmember Knapp,
22 No, and that's all I want to know is --.

23
24 Council President Praisner,
25 He just is interested --.

26
27 Councilmember Knapp,
28 (multiple voices) Presumably, I appreciate what the Executive's thought process was
29 and what, I mean, we've got all the departments who report in over there. So I'm curious
30 to see what they have suggested needed to be accelerated so we can at least take that
31 into account. I can't think of a situation that these are pretty three basic maintenance
32 types of activity I think we need to do. But I'm just curious to see, by assuming we do
33 these, what are we then saying, you know we don't appreciate that recommendation we
34 would like to go ahead and do this. I just am trying to see the trade off.

35
36 Glenn Orlin,
37 I'll look at that for you.

38
39 Councilmember Floreen,
40 Mr. Knapp wants to see the giant spreadsheet.

41
42 Councilmember Knapp,
43 Basically.



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1 Councilmember Floreen,
2 I don't know if it exists.

3
4 Council President Praisner,
5 Well, I think it's important for us to keep track if we're interested in level funding or in
6 increased commitment in these areas and that infrastructure maintenance has been a
7 priority of the Council, be good to see three different things, actually, over time. What
8 was proposed by the Executive and what was adopted by the Council and what was the
9 goal if we had a goal because I suspect that they're going to be three different numbers.
10 And it would be interesting to see if we sustain ourselves over more than one or two
11 years with that. There's always asterisks that say the Council found it couldn't do this
12 because it shifted the priority, the X or Y or wanted to do something else or the
13 Executive wanted to introduce new projects, those are judgment calls that we make. But
14 it's useful with the ongoing projects where we've said it's a priority to find out how we're
15 doing.

16
17 Councilmember Knapp,
18 Well, and the third piece there, another element is, we have just additional costs that
19 are out there so I think it's important to understand what are the recommendation
20 relates to additional costs just because projects are more expensive versus reallocating
21 resources to do something new or different. And that's all I want to try to get a sense of
22 but thanks.

23
24 Councilmember Floreen,
25 Let me just say that that approach applies to a couple of these items.

26
27 Council President Praisner,
28 Right.

29
30 Councilmember Floreen,
31 We've been trying to maintain, we ramped them up a tad over the past couple of years
32 and we're trying very hard to retain them at that level. So that certainly applies to the
33 next item. Resurfacing on primary and arterial roads. The County Executive will not,
34 this, and as Glenn says, this is one project where we've pretty much kept on a level,
35 appropriate level of funding unlike many of these other projects. However the County
36 Executive is proposing to defer 1.5 million in fiscal 10 to fiscal 11. The Committee's
37 recommendation is to leave the CIP as it was originally so that we would have a
38 consistent treatment program. Next, same issue with resurfacing for rural and
39 residential areas, an issue that we all hear from on a regular basis, from our
40 constituents and this the part, this is the part right, related to the --?

41
42 Glenn Orlin,
43 Yes.



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1 Councilmember Floreen,
2 --the Operating Budget part, having to do with overlay material which is funded in the
3 Operating Budget. We had a plan to ramp up the program to reach \$3 million annually
4 by fiscal 10. County Executive is recommending reducing the funding by \$400,000 in
5 fiscal 08, \$300,000 in fiscal 09 and \$600,000 in fiscal 10 and do it all in fiscal 11. The
6 Committee recommends that we keep it at the originally programmed level of funding
7 consistent throughout. Street Tree Preservation. We talked about this already to a
8 certain degree in the Operating Budget. This is the real challenge of providing cyclical
9 block pruning for our street trees that are the County's responsibility. Last year we
10 approved 2.3 million for pruning throughout basically neighborhoods, right Glenn?

11
12 Glenn Orlin,
13 Yes.

14
15 Councilmember Floreen,
16 That's how we defined it and you see the list on page 8. No money was programmed for
17 fiscal 08. We have always known that this would be a challenge but we feel, the
18 Committee feels very strongly that this is a basic governmental function to take care of
19 its green infrastructure and we propose the PDF on Circle 33 which programs \$1 million
20 in fiscal 08 with later years rising by another half million a year. Questions?

21
22 Council President Praisner,
23 Well, the only comment I would make is for some communities it's the planting of trees,
24 not the preservation of existing trees and there are also not communities but major
25 roadways that aren't necessarily related to neighborhoods like Randolph Road et cetera
26 that, I know there's parts of Randolph listed here but that's more the internal
27 neighborhoods than it is our major arterial roads where I think tree maintenance and
28 additional trees are needed. There's nothing like the psychology of a tree shaded road I
29 think contributing to slowing down traffic.

30
31 Councilmember Floreen,
32 Would you agree Mr. Gonzalez?

33
34 Edgar Gonzalez,
35 In this specific case of Randolph Road, that's what exactly, that's exactly what the
36 department wanted to do. However Council decided that they were going to only allow
37 us to get 71 feet and 72 feet of right of way on a segment of Randolph Road where it
38 puts us in a bind because we had to deal with the sidewalk and there is absolutely no
39 space for trees or else we wouldn't be able to have the sidewalk or it wouldn't be ADA
40 compatible. We wanted from the very beginning to move the trees and acquire the 80
41 foot right of way. Council said no.

42
43 Councilmember Floreen,
44 Well Edgar, that's another argument we'll have when we --.



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1
2 Council President Praisner,
3 And another area of Randolph Road actually than the one I was referring to but that's
4 okay so.

5
6 Councilmember Floreen,
7 Anyways, good, we want to keep this up. The advanced --.

8
9 Council President Praisner,
10 We can give the trees to the neighbors and see if they want to plant them in their yards
11 and then we'd still have trees there, wouldn't we.

12
13 Edgar Gonzalez,
14 Behind the fences.

15
16 Council President Praisner,
17 No, not necessarily.

18
19 Councilmember Floreen,
20 The Advanced Transportation Management System is one of our most effective ways I
21 think in making a capital investment in information technology to assist with traffic flow
22 and transit service. Over the, it's been, we have funded it at a rate of 1.5 million
23 annually for several years. For a while the state matched the amount but that ended.
24 And we've added dollars for the replacement of Ride Ons, computer aided dispatch
25 vehicle locator systems last year but the basic program remained at 1.5 million annually.
26 The County Executive is recommending diverting 500, half a million dollars of current
27 revenue from the program. We do not agree. We think, without these funds, the County
28 would have to suspend the installation of traffic cameras at a number of, ten locations
29 they say, as well as planned upgrades and enhancements to some of their
30 communication systems.

31
32 Council President Praisner,
33 Let me raise a couple of questions here that I have, there have been some federal
34 funds in the past, as I recall and there also are some rationale of this being tied to public
35 safety. And I just wondered where we are with any of that and some of the other issues.

36
37 Emil Wolanin,
38 Ms. Praisner our federal earmarks used to come from what was called the ITS
39 integration pot.

40
41 Council President Praisner,
42 Right.

43
44 Emil Wolanin,



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1 Congress has decided not to earmark those programs any more. What they're doing is
2 they are pretty much relying on a competitive process for distribution of those funds.
3 Right now they have a major Metropolitan area RFP process out for congestion
4 mitigation. I don't think anything came from the DC area. There is a program for
5 integrated corridor management that ourselves, state highway and Metro put in together
6 for and we were one of eight sites selected in the country as pioneer sites. The state
7 was given a quarter million dollars for the first phase of the project and as we go
8 through and get whittled down eventually we're talking about two or three sites that
9 would remain and maybe get about \$10 million each for deployment. We think we're
10 positioned well for that. We don't know how far, you know, we're hearing rumors now
11 that some of that money may be diverted over to Congestion Mitigation Program. So a
12 lot, kind of, it's really in transition at the federal level about what used to happen to those
13 ITS earmarked funds.

14
15 Council President Praisner,

16 So the 500,000 that the Executive recommended rather than the amount that we had
17 been funding at a million and a half was a budgetary decision, not a rationale that we
18 might find other sources of funding for this?

19
20 Jacqueline Carter,

21 Yes, it was a budgetary decision --.

22
23 Council President Praisner,

24 And the Committee is not recommending accepting that, correct?

25
26 Jacqueline Carter,

27 Correct.

28
29 Council President Praisner,

30 Okay. Thank you Emil.

31
32 Councilmember Floreen,

33 Next item, Highway Noise Abatement. This is actually a troubling area where the cost
34 has gone way beyond, I think, what folks had initially anticipated when we first got into
35 this. I think that would be a fair statement. I wasn't here when we started doing this. But
36 there is some significant issues in this. Last year we programmed a little over a million
37 dollars to build three noise well segments along Shady Grove Road in Derwood, which
38 has been a particularly vocal community with requested support and a little over \$3
39 million for seven other noise wall segments along Middlebrook Road in Germantown,
40 Mid-County in Derwood and East Randolph Road in Fairland. There have been
41 problems and challenges in getting these underway and most significantly, cost is way
42 higher than had been projected. They had a cur, a unit cost last year that has now
43 nearly doubled. And because of the nature of the walls, their length is shorter than had
44 been anticipated, they actually are more expensive per square foot. So, as a result the



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1 construction for the Shady Grove Road walls is now 1.8 million and the corresponding
2 cost for the other seven walls is 6.9 million. So, that's about \$800,000 more for the
3 Shady Grove Road walls and doubling, I think, is this right? More than doubling.

4
5
6 Glenn Orlin,
7 More than doubling, correct.

8
9 Councilmember Floreen,
10 The cost of the other seven walls. There is a system that we have in place, a cost
11 benefited residence number so that the cost of the wall to benefit a residence is now
12 valued at more than \$50,000 per home for all ten walls. Under a policy that we have had
13 in the past, benefited residents have to agree to share the financial burden of any cost
14 over \$50,000 a house. The County Executive doesn't wish to assess this cost against
15 the Shady Grove Road homeowners because they agreed for the walls to be built
16 based on the prior estimate. And we basically agreed with that. However, for the other
17 remaining walls to be built under the current policy, benefited homeowners will really
18 have to pay an extraordinary amount and we're not so sure that given the dollars that
19 they will approve it. Based on the current estimate which is not actually, is only a
20 estimate, they think that almost two and a half million dollars for these walls would have
21 to be paid for by the actual residences. I don't know how many homes that is but it's not
22 a huge number. Basically, the County Executive is proposing that funding the three
23 Shady Grove Road walls in 07 08 and deferring 2.12 million dollars of expenditures for
24 three years from fiscal 08 to 11 for the Shady Grove part. And what we're
25 recommending is that we fund the three Shady Grove Road walls entirely in fiscal 08.
26 As to the other walls we propose to fund them at the cost of 6.96 million based on the
27 latest engineers' estimate, but assuming and showing 2.452 million paid from resident
28 contributions. We shall see about that.

29
30 Council President Praisner,
31 Have any communications taken place with the other roadways in the other community.

32
33 Councilmember Floreen,
34 If I could finish --.

35
36 Council President Praisner,
37 I'm sorry.

38
39 Councilmember Floreen,
40 Before we get into that issue which is certainly a valid one. We've urged that the noise
41 study group revisit these issues. We're very concerned about it. However, there's been
42 some problem getting folks together on this. But we absolutely think that the group
43 needs to revisit the issue of the threshold number that's in the policy and we've got to
44 face some realistic facts about the situation. But we do need, I don't know if --.



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1
2 Council President Praisner,
3 Has there been any communication about, with the Middlebrook Road, Mid-County
4 Highway or East Randolph Road folks about the program and the way it's constituted,
5 the way it was constituted?

6
7 Unidentified

8 No, not at this point. We didn't do that.

9
10 Council President Praisner,
11 No communications whatsoever?

12
13 Unidentified

14 Correct.

15
16 Edgar Gonzalez,

17 Well, not to the level that we have had with the Shady Grove people. With the Shady
18 Grove walls, we went through the entire process. The people along all of the, all of the
19 roads that would be eligible there had been contacts by the department, we haven't
20 followed the process. We're waiting to see what our experience was going to be with
21 money.

22
23 Council President Praisner,
24 Okay. I --.

25
26 Edgar Gonzalez,

27 So, there will be no commitments made with them.

28
29 Council President Praisner,
30 I understand that, that may be the way the department views it. I'd like to see copies of
31 whatever written communiqués were presented to the other three communities so that I
32 can understand what we told them. And so that will help me in looking at this issue long
33 term.

34
35 Edgar Gonzalez,

36 That's good enough. We'll give you that. The other thing that is important for you all to
37 know is we have also been talking to the state as to how their policy has been evolving.
38 And today they have two policies for existing roads. They maintain the \$50,000 that we
39 have. But for new roads, they have upped the number to a 100,000. So, that would be
40 part of what we would be reviewing when, and then of course above 100,000 would be
41 paid by residents. So we'll incorporate that into the policy as we move on with the
42 review.

43
44 Council President Praisner,



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1 Are we assuming that we would create some kind of a, or, I'm clueless, probably
2 because I don't remember what you have told me. But do we program this into their
3 property taxes in the same way that we've done the walls along the belt way?

4
5 Edgar Gonzalez,
6 Correct.

7
8 Council President Praisner,
9 So they make a payment over a period of time.

10
11 Edgar Gonzalez,
12 Correct. They will have other options. If they want to pay cash immediately, they can do
13 that or they can be, we create a noise district for that neighborhood.

14
15 Council President Praisner,
16 Right. I just needed to remember that.

17
18 Glenn Orlin,
19 It sort of fits into the, that other issue.

20
21 Council President Praisner,
22 The only other point that I would make is I think this issue, given the fact that I can only
23 speak for the East Randolph Road folks and I'm sure others can speak to Middlebrook
24 or Mid-County folks, we've been hearing about their concerns for some time. So if the
25 rules are going to change, or if this group needs to come together to study that to make
26 recommendations, I would urge that the Councilmembers from those districts be
27 contacted where there's a vacancy but even if there is a vacancy that you proceed
28 because you've got, you know, three communities waiting to find out, they've received
29 some communiqué and they had some expectation that this would be in front of them by
30 now. So again, I'd like a copy of whatever we submitted in writing, number one. And
31 number two, I'd like a timetable for the Council of the work plan and schedule for the
32 noise study group. Councilmember Andrews.

33
34 Councilmember Andrews,
35 Thank you Madam President. I want to thank the hard working T&E Committee. They
36 have worked on this issue over a number of years and I want to thank the department
37 as well. This policy was put together after a work group was established, a long
38 process, Council adopted the policy and it's been in the process of being implemented
39 and we're almost there with the first walls now, having learned a lot I think along the
40 way. And I'm sure there are aspects to it that can be improved. But I'm excited that
41 we're actually going to see some noise walls built next year and we'll learn more from
42 that I'm sure too. But thank you for the attention to this. This is an important issue for
43 many people. Noise is a significant problem in a number of parts of the County including
44 along that part of Shady Grove Road. And I think the state's policy is an interesting one.



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1 And I can understand why you would have a, you know, I can understand why the state
2 is approaching it the way they are. And of course the noise walls were built by the state
3 along part of Route 28 as part of the expansion of Darnestown Road, although that was
4 not entirely new. It was, it may have qualified as a new road under their guideline
5 because it was a doubling of the capacity. So thank you for all your hard work on this.

6
7 Glenn Orlin,
8 If I can highlight one more thing on this PDF.

9
10 Council President Praisner,
11 Sure.

12
13 Glenn Orlin,
14 The appropriation that's associated with it at the bottom of Circle 35 on the left, typically
15 don't look at that part of it but what we're appropriating here is enough to be able to do
16 the Shady Grove walls. The seven other walls which are shown in fiscal years 10, so
17 many questions about, you know, what the group and what the Council will eventually
18 decide in terms of what the threshold should be for benefit, is it 50,000 or does that
19 number go up and so many questions about whatever that's set at, whether any of
20 these walls will be desired by the citizenry that's affected, that we, at this point would not
21 appropriate any money for those. We will program them so there's a placeholder in the
22 CIP, but not appropriate the funds for those.

23
24 Councilmember Floreen,
25 Okay. good point. Alrighty, anything else on this one?

26
27 Council President Praisner,
28 No, I don't think so. So you can move along.

29
30 Councilmember Floreen,
31 Okay. Glenmont Metro Garage Expansion. I just want to make, there's a lot of history
32 there and there are a number of people here in case there are further questions about
33 this one. This is actually a rather complicated project that involves many players and
34 many pieces. The Glenmont Garage, well basically there's a little bit of the history,
35 we've heard and, that there's significant demand and need for expanded parking at the
36 Glenmont Metro Station. In 2003, we asked Metro for a 25 cent parking surcharge to
37 fund Glenmont Metro parking spaces and Metro approved that increase in 2003. It's
38 been one of our highest, it's been our highest transit priority in our joint letters to our
39 state delegation. And a year, just about a year ago now, the Council approved location
40 of a garage on the west side of Georgia Avenue. Why did it do that? Because of the
41 ability to acquire additional spaces at that location and a more cost effective way to
42 achieve that. About the same time, the fire and rescue folks identified the need to find
43 an alternative location for the fire station at the intersection of Randolph Road and
44 Georgia Avenue. And it was determined after a site search that a co-location with the



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1 garage on the west side would be a desirable resolution of that need. The reason for the
2 relocation is to permit the, the improvement of the Georgia Avenue Randolph Road
3 intersection, which is, I think, number one on our transportation intersection
4 improvement list. Huge challenge to address, because of all the existing uses and all
5 the various players there. We were very sensitive last year as to the concerns of the
6 community about locating the garage on the west side because we acknowledge that
7 this was inconsistent with what had been proposed in the Glenmont plan. So we asked
8 the department to go and work with the community and identify enhancements to the
9 look and feel of this garage so that it would at least ameliorate to some degree some of
10 the neighbors' concerns about that. We approved last fall some additional dollars and
11 design enhancements for this project and we asked the staff to continue to work with
12 the community. The T&E Committee took this up with the DPWT whenever that was, a
13 week or two ago, and as a result of those conversations, we recommended adding to
14 the project a number of state of the art public safety elements and a pedestrian canopy
15 which would raise the total cost to the project by \$772,000. That is what the issue is
16 before us today. Just so you know, this particular project at this particular location has
17 advanced in Metro as a design build construction project. It is 30% complete. As of
18 today, having used state funding for that work, the project is ready to go to bid as of this
19 time under the design build contract. Construction is planned to start in late 2007 and the
20 garage opening is planned for summer of 2009. So that's the Committee
21 recommendation. I know that there are some conversations that have been going on
22 with respect to that and I'll comment on that and maybe the department will respond as I
23 think it becomes necessary. Did I leave anything out, Glenn? Okay.

24
25 Council President Praisner,

26 Okay, we do have some lights and so I'll, there are two Councilmembers whose lights
27 are on so I will call on them. First Councilmember is Councilmember Elrich.

28
29 Councilmember Elrich,

30 I find this project to be one of the most unpleasant things that we're engaged in doing.
31 It's sort of fundamental of I find it hard to believe we'd build a garage like this at the
32 entrance to any other community. It's going to stand like an eyesore on Georgia Avenue
33 and the little bit of remediation we're talking about doing, I don't think really deals with
34 the scope of this garage in the context of the community. And I recognize that this is,
35 your memo from last year says this is a close call, so it's not a slam dunk. I guess we're
36 using the word surge so we can use the word slam.

37
38 Council President Praisner,

39 I think we're not allowed to use slam dunks --.

40
41 Councilmember Elrich,

42 I see us using the word surge all the time so I guess surge and slam dunk would
43 become part of our lexicon mission accomplished.



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1 Council President Praisner,
2 Mission accomplished.

3
4 Councilmember Elrich,

5 That's afterwards . But I think this garage is really problematic and I guess part of it is in
6 the money issue and that it was, and, it's less expensive than building on the other side
7 of the street. But we haven't always done things the cheapest way. We've often taken
8 the consideration of impacts on communities when we do things. Making this garage
9 lower in the ground, we can't do that supposedly because that costs too much to go
10 down. Again, another thing that will significantly reduce the impact on the community
11 were it to stay on the west side of Georgia Avenue. This Council, has, I think, other than
12 a few notable exceptions, a transit priority, and yet the building of this garage resulted in
13 the bumping of the bus way down on Georgia Avenue to a lower priority. Because this
14 garage will pull more people out of Olney, more people that might have been served and
15 I think better served by a bus way and, you know, my personal priority it seems to me, is
16 to try to put transit up to Georgia Avenue corridor, not make that part of the corridor
17 more of a magnet for more cars to drive down the corridor. The transitway as a priority
18 would also, to the extent that it brings people from Olney and onto the transitway to get
19 to the station would free up spaces for people coming more from the east part of the
20 County which I understand isn't served by the transitway, and which those contribute
21 somewhat to the usage of this garage. I understand that there is the fire station
22 component to this. But I also understand from conversations today that they haven't
23 gotten beyond site characterization at this point. So while the garages were advanced in
24 design, the fire station is not very far in design. And so, I guess, you know, I look at this
25 what I see as two possible remediations. One is, I personally think the garage ought to
26 go on the east side of Georgia Avenue. And I think that the County's priority ought to be
27 focusing on bus way transit up that corridor. But as a minimal step, I think we ought to
28 look at the whole design integration of the garage, the fire station, and what else is done
29 with that parcel because that part of Georgia Avenue left with the garage and a fire
30 station is just not going to be the kind of entry or the asset to the community that it could
31 be, and that integrating at the very least the garage, the fire station to some mixed use
32 project along that side that provides some of the things that people had hoped for would
33 certainly ameliorate the impact of the garage and the fire station standing there kind of
34 naked by themselves. And so what I'd hope is at least we can get a look at, can we do a
35 more comprehensive design of that side? Can we look at integrating more of a mixed
36 use project around the fire station and that garage so that there's less of a, so that
37 garage does not stand out by itself and have, you know, the degree of what I think a
38 very onerous impact on the community? But my preference would be to look at this
39 again and see whether it makes sense to put this thing on the east side rather than on
40 the west side of Georgia Avenue. But I just think it's a mistake and that, you know,
41 clearly was a close decision. I know the Planning Board did not support this decision.
42 The Planning Board believed it should be on the east side. So, you know, a number of
43 different minds have taken a look at this and not reached the same conclusion and I
44 think it's worth it to take a look at it again.



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1
2 Council President Praisner,
3 Councilmember Ervin.

4
5 Councilmember Ervin,
6 My question has to do with why WMATA insisted that all the development on the west
7 side be County facilities. I abstained in the vote because I actually agree with Marc on
8 this one about why the garage had to be built on the west side. There are some things
9 that are still unclear, to me, about why certain decisions got made. And although
10 building a garage on the east side, I understand is going to cost some significant
11 amount of money the County's made similar decisions based on land use at Metro as
12 recently as Shady Grove. So just to be consistent, I was just wondering why we're
13 moving in this direction at this particular site.

14
15 Council President Praisner,
16 I don't know if Councilmember Floreen wants to comment but those questions are
17 obviously directed and anyone who feels comfortable answering them as far as the
18 County, Mr. Gonzalez or Ms. Floreen. I see Mr. Leventhal's light is on as well. I assume
19 you want to comment so maybe we should call on George first and then we can see
20 what questions --.

21
22 Councilmember Floreen,
23 Yeah.

24
25 Council President Praisner,
26 --there are outstanding.

27
28 Councilmember Leventhal,
29 Great. Well, thank you Madam President. I do recall the conversation in the T&E
30 Committee on this matter and it gives no at large Councilmember joy to vote for
31 something that he or she has heard from his constituents who are directly affected by it
32 in opposition. And I don't, I didn't cast this vote in Committee with great joy and I didn't
33 cast the vote when this was put in the CIP with great joy but the two facts that were the
34 most persuasive to me at the time were number one, that we could get more parking
35 spaces on the west side than on the east side. And number two, that developing on the
36 west side would provide a very easy solution to the fire station problem and those facts
37 still stick very clearly in my mind and I don't think those facts have changed. In addition,
38 now that we're a couple of years down the road, it would seem to me that changing the
39 placement now would delay substantially the construction of the garage, we'd have to
40 redesign the entire thing. So you're building in a couple of more years of frustrated
41 commuters trying to access our Metro System at its east terminus, not being able to get
42 spaces and I do hear from many constituents, not those who live at the Metro Station,
43 but those who use the Metro Station asking me when will we get the new garage
44 because I can't get space at the Glenmont Station. Delay that by a couple of years at



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1 least. In addition, it would delay the issue of the placement of the fire house by a couple
2 of years at least which would then delay the construction of the Georgia and Randolph
3 Interchange by a couple of years at least. So, the concern here is, it may have been at
4 the time a close call and there were arguments for both. Just to repeat, the two facts
5 that I found persuasive were you get more parking spaces on the west side than on the
6 east side. That means fewer cars on the road from Glenmont south where the traffic is
7 the most congested on Georgia Avenue. That means more ridership on our Metro
8 System. More revenue to Metro. And then secondarily, resolving the issue of the fire
9 station which enables us to proceed with the Georgia and Randolph Interchange which,
10 to my way of thinking, is dramatically needed knowing how badly congested traffic is at
11 that intersection. Again, with apologies and great respect for the activism of the
12 neighbors at Glenmont. I understand their point of view. If I lived right at the Metro I
13 would not be very sympathetic to those who want to use my neighborhood for their
14 convenience. I didn't cast this vote with joy. I appreciate their points. I've considered
15 them carefully. I've met with them many times and considered their point of view, but
16 the judgment call that the Committee came to, I believe unanimously, I think I was a 3-0
17 vote at the time, based on those facts was to build it on the west side and we're now a
18 couple of more years down the road. So you know, trying to start everything over again
19 builds a lot of delay into some very badly needed transportation infrastructure, the new
20 garage and the Glenmont Randolph Interchange, the Georgia Randolph Interchange.

21
22 Councilmember Floreen,
23 Yeah.

24
25 Council President Praisner,
26 Yeah, can we comment though first, on the issue of the bus way because some
27 reference has been made to the Georgia Avenue bus way and it's my understanding
28 that it's Park and Planning that hasn't done much as well as DPWT on the issue of the
29 bus way.

30
31 Edgar Gonzalez,
32 Well, if you, if you recall, the issue of the bus way is one, is in our priority list, in our joint
33 priority list for the state. We are using state money here, other than the money that has
34 been used to date on the design of the project which is solely state money. So all of the
35 design of, and WMATA has spent \$1.3 million out of the \$1.6 million that the state
36 provided for the design of the project. So, the design of the project is ready to go to bid.
37 I mean, we did, a matter of, I mean, by August the project could go to bid. And
38 construction could start according to what is approved in the CIP, in December so that
39 would allow for an opening in the summer of 2009. The bus way, in order to obtain, to
40 move on with the bus way, we have to add it to the CTP number one, it has to compete
41 with all of the other projects throughout the state, it will have to compete eventually for,
42 because as transit funding it would be, you know, competing nationally, competing with
43 three other major transit facilities that we have already in the County, the Purple Line,
44 and the Corridor City Transit Way. Additionally we had been also looking at the



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1 possibility of the Veirs Mills – bus, you know, bus way and I mean I've been around a
2 little bit, longer than many of the Councilmembers in this business and I can tell you that
3 you ain't going to get four transit systems approved at the state and federal levels in
4 Montgomery County in the next couple of years. Okay? That is impossible. So, the
5 issue for us is, if we are indeed promoting and advocating for transit use, what is the
6 expedient thing to do right now and the smart thing to do? And using the resources that
7 have already been spent by the state, your decision but maybe I could, I had updated
8 some charts that we provided in the past. And I don't know if you want to see the
9 comparison between the two sides, but we have updated the numbers as of this
10 morning in conversations with WMATA and just so that you know what we're talking
11 about, roughly we're talking about 1200 spaces on the west side versus 900 on the
12 east. That's 300 spaces less. We're talking about today, in today's dollars, a cost to the
13 County of about \$24.7 million with all the enhancements that have been added to the
14 project versus \$33.9 million, so we're talking, I mean I know that sometimes --.

15
16 Councilmember Leventhal,
17 I'm sorry, just for the record. 33.9 million for the east side?

18
19 Edgar Gonzalez,
20 \$33.9 million for the east side which is \$9.2 million more.

21
22 Councilmember Leventhal,
23 Could you simply explain why a smaller garage would cost so much more with fewer
24 parking spaces? Why does it cost more?

25
26 Edgar Gonzalez,
27 Yeah, let me tell you why. Number one, we will have to restart the design and because
28 of what you have heard about the WMATA reorganization and what is happening over
29 there with the elimination of many positions in their construction unit, we will have to
30 start the redesign. So we will be doing the redesign ourselves. So we have to hire
31 consultants, start the process all over again because it is a completely different design,
32 completely different topography, is immediately adjacent to the existing garage. We will
33 have to move all of the bus facilities that exist on the east side already, we have to
34 move them to the west side so that the garage can be built so the environmental
35 damage that we're going to be doing is larger with this proposal, with moving to the east
36 side we're going to be affecting a larger green area than the construction of the garage
37 itself. But so moving along 24.7 versus 33.9, so the cost per unit, per space, per parking
38 space is going to be 20,500.

39
40 Unidentified
41 If you have a piece of paper that you're reading off of --.

42
43 Edgar Gonzalez,
44 Yeah, we can pass these along.



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1
2 Glenn Orlin
3 If we can get copies.
4
5 Council President Praisner,
6 Yeah, that would be helpful.
7
8 Glenn Orlin
9 So that folks can follow along.
10
11 Edgar Gonzalez,
12 I'm just trying to see if you can memorize all that.
13
14 Council President Praisner,
15 No, that's alright.
16
17 Councilmember Elrich,
18 Could you also explain how the difference got to 9.2 million from 2.6 million?
19
20 Edgar Gonzalez,
21 Yes, I will.
22
23 Councilmember Elrich,
24 Since you did this work only like six months ago and it was at \$2.6 million difference.
25
26 Edgar Gonzalez,
27 I would be glad to do that.
28
29 Council President Praisner,
30 Why don't you give them to Glenn and he'll pass them out.
31
32 Edgar Gonzalez,
33 Okay.
34
35 Council President Praisner,
36 So we can move this along.
37
38 Edgar Gonzalez,
39 Okay, here is the, here is the situation. So, if you recall, when we did our analysis
40 originally, we started with, and I call your attention to the table on page 3. It's a table on
41 page 3 of the, which doesn't have Circle numbers because --.
42
43 Council President Praisner,



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1 That's alright. Just, if you wouldn't mind, if we just deal with the facts. Don't worry about
2 the Circle number.

3
4 Edgar Gonzalez,

5 Okay, here is the issue. Is, the escalation costs from the original numbers to the
6 numbers last year was about 23%, that's what WMATA told us. Then we will have two
7 years of, two and a half years of delay, so we're going to have an inflation factor over
8 two years of 7% per year, that's what the assumption is. And we are in all the same
9 enhancement, 7% per year, which is, in a way, relatively low. If it's larger, it will be even
10 worse. So that's how we come out with the numbers, okay. And we can provide you with
11 a spreadsheet to show you how we arrived at the numbers. But, it becomes \$20,500 for
12 a space on the west side, versus \$37,667 on the east side. And then there are many
13 other issues that really have not changed significantly.

14
15 Council President Praisner,

16 Okay. There are some questions on this form. Councilmember Elrich, do you have
17 questions on the forms that were added?. I know Councilmember Berliner does.

18
19 Councilmember Elrich,

20 Just a quick shot of the time delay, I mean, if you made this decision last November,
21 October, no?.

22
23 Gary Eranrich,

24 The east versus west was a year ago.

25
26 Council President Praisner,

27 You need to put your mic on and you need to identify yourself.

28
29 Gary Eranrich,

30 Sure, Gary Eranrich. The east versus west decision was made I'm sorry, was a year
31 ago.

32
33 Council President Praisner,

34 Yeah, it was a year ago.

35
36 Gary Eranrich,

37 And so, these costs, the original costs then are the costs of a year ago. And then we
38 add the enhancements which we talked about on the west side, which would also put on
39 the east, the cameras, the security, call boxes, the façade treatments, and then you add
40 two years worth of inflation at 7% a year and then you get those cost differences.

41
42 Councilmember Elrich,

43 And you're in a two year delay --.



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1 Gary Eranrich,
2 Yes.

3
4 Councilmember Elrich,
5 For what essentially is a one year delay? I mean, if you didn't start till a year ago, why is
6 it two and a half more years?

7
8 Edgar Gonzalez,
9 Because of the different methodology of design. WMATA goes through design build, we
10 have never done it, we could try to do this design build but by the time we learn it's
11 going to be, we're not going to gain significant time. So we traditionally, we have always
12 done design then you bid. WMATA is used to the design build process so the
13 methodology of designing is different for them than for us. B the time we hire a
14 consultant, we get on board and we do all of the design, it's going to be two years.

15
16 Council President Praisner,
17 Further questions, Councilmember Berliner.

18
19 Councilmember Berliner,
20 Just a follow up on that. The predicate here is that if this, if a change were
21 contemplated, then WMATA could not do the change, a design build change as it is
22 currently doing this project, is that correct? And if the answer, I need to understand why
23 it is that WMATA could not do design build on a reformulated project as opposed to
24 simply this project.

25
26 Edgar Gonzalez,
27 Okay. WMATA is going through a major reorganization.

28
29 Councilmember Berliner,
30 Understood.

31
32 Edgar Gonzalez,
33 And they have laid off already about 100 people in their construction unit and the
34 general manager and the board supporting him are saying, we are not in the business
35 of building things any more. We're in the business of maintaining and operating the
36 system.

37
38 Council President Praisner,
39 Okay.

40
41 Councilmember Floreen
42 So, let me just say --.

43
44 Council President Praisner,



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1 Time for comments folks have.

2
3 Councilmember Floreen,

4 The challenge is as I said earlier, frankly the fact that for less money, we would obtain
5 300 more parking spaces on the west side. It's a more cost effective solution. We
6 believe we've recommended the enhancements that will help make a difference. Co-
7 located the fire station effort. I mean, I -- if the Public Safety Committee wants to talk to
8 the fire folks about some other elements at that station, they're certainly welcome to do
9 that. We in the T&E Committee did not take up that issue per se, but the garage was
10 designed, as I understand it, to work with the fire station. All these issues are being
11 worked on right at this moment. It's been a complex process for the various
12 departments working with the volunteer firefighters and in land acquisition for the
13 intersection improvement. So it is not as simple an effort as one might think in terms of
14 isolating the fire station. That being said, shall we move on to the next item?

15
16 Council President Praisner,
17 Yes.

18
19 Councilmember Floreen,
20 Langley Park Takoma Transit Center. Basically, let's see here, we had thought that the
21 Transit Center would be under construction by now and completed in fiscal 08, I will
22 note that this is not in Montgomery County for those of you following along.

23
24 Council President Praisner,
25 Right.

26
27 Councilmember Floreen,
28 However, the project has been delayed a bit and we're amending the payment schedule
29 as shown on Circle 44 which shows it in 08 and 09. It's not a major change. I will, I
30 guess we'll continue to work with the players. Facility Planning Transportation, we
31 alluded to this in the Park and Planning conversation. We recommend amending the
32 facility planning efforts to fund the design of a portion of Lockbury Drive which for some
33 reason wasn't constructed previously.

34
35 Council President Praisner,
36 Yeah. I have a couple of comments on the facility planning. My frustration is that, and I
37 have no opposition to including Lockbury, especially because it can be done fairly
38 easily, but my concern is its potential impact on everybody else who's been waiting in
39 the queue. And the extent to which being able to do this alters the queue process of
40 other projects. I note on the list of facility planning, that Lockbury itself, I believe
41 appears, I can't find, Circle what?.

42
43 Councilmember Floreen,
44 47?



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1
2 Council President Praisner,
3 No, 48. 48 is where the roads are listed. Lockbury I think is down after FY12 listed.

4
5 Glenn Orlin,
6 Correct.

7
8 Council President Praisner,
9 And we have a whole host of candidates in 07, 08 and 09 to 12 that were assuming that
10 they would be done sooner. And so my only concern with jumping the queue is the
11 effect that has on everybody else who has been waiting and anticipates that the work
12 will be done. I suspect that what the Council has often done and I've been guilty of it as
13 well is adding projects for facility planning because we know you have to do that first
14 before you can get the roads done. These are all presumably, with the exception
15 perhaps of sidewalks and bike ways, but possibly they're all part of master plans and so
16 I think what needs to be done is that great list we talked about with the chairman of the
17 Planning Board about the facility needs that we have and the prioritization and the
18 status of them so we get less in the habit of adding things unrealistically doable into
19 facility planning unless we've had conversations about prioritization. Some of these add
20 capacity, big capacity. Some of them are necessary for public safety access within
21 communities. Some of them are part of completing a vision of the master plan as the
22 Germantown Town Center is. But I personally as a district Councilmember are
23 concerned about what happens to everything else on the list if you're going to add that
24 one easily.

25
26 Councilmember Floreen,
27 You might want to take a look at circle 48 Madam President.

28
29 Council President Praisner,
30 I am.

31
32 Councilmember Floreen,
33 Well, that --.

34
35 Council President Praisner,
36 That's what I'm talking about.

37
38 Councilmember Floreen,
39 And it's something we surely have struggled with with Park and Planning in terms of
40 getting their support on this.

41
42 Council President Praisner,
43 And that's why when this was presented to me--.



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1 Councilmember Floreen,
2 This was on the list.

3
4 Council President Praisner,
5 Well, it's on the list but was, what was presented to me was that this would move
6 forward and I wanted to make sure that to the extent this road moves forward, that we
7 understand the implications for everything ahead of it and also that there may be other
8 projects that Councilmembers believe need to move forward from the 09, 12 list. I have
9 a candidate.

10
11 Glenn Orlin,
12 The Lockbury Drive connection, if the Council agrees with the Committee's
13 recommendation to add 150,000 does not bump any project in its schedule. Every
14 project that's listed under 07, 08 studies under way to be completed. Every study that
15 shows as being under way and completed FY09 and 12, would have exactly the same
16 funding schedule as they had if you didn't if you didn't add this money. It does mean
17 that a project is jumping the queue.

18
19 Council President Praisner,
20 That's my point.

21
22 Glenn Orlin,
23 But it doesn't bump anything.

24
25 Council President Praisner,
26 Well, it bumps the others that are in the queue ahead of it. By meaning that it moves out
27 of the queue and goes forward. So something that was assumed to be in the queue at a
28 certain point, that it would be gotten to is not possibly going to be gotten to because this
29 list is unrealistic to begin with.

30
31 Glenn Orlin,
32 No, that's just not true.

33
34 Council President Praisner,
35 What's not true?

36
37 Glenn Orlin,
38 Every one of these projects has a schedule in it that, for example --.

39
40 Council President Praisner,
41 Alright, then before we finish the Capital Budget, take Circle 48 and tell me what the
42 schedule was pre our Capital Budget action of today, this session and what they will be
43 after this session.



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1 Glenn Orlin,
2 I can show you that after the session.
3
4 Council President Praisner,
5 Fine. But I want it from them.
6
7 Glenn Orlin,
8 I got it from them . They gave it to me so I can give it to you.
9
10 Council President Praisner,
11 Alright. Fine. And I wanted that shared with all Councilmembers.
12
13 Glenn Orlin,
14 Absolutely.
15
16 Council President Praisner,
17 So they can look at everything else --.
18
19 Council President Praisner,
20 In 09, 12
21
22 Glenn Orlin,
23 Sure. If they may be concerned about or proposed after 12 while we're looking at dollar
24 amounts of projects.
25
26 Glenn Orlin,
27 Sure, absolutely.
28
29 Council President Praisner,
30 Okay. Councilmember Leventhal.
31
32 Councilmember Leventhal,
33 Well, actually what I wanted to do, I wanted to combine my comments on the Lockbury
34 Drive with my comment on the next item regarding the orphan roads. Is that in order?
35
36 Council President Praisner,
37 Well, we're going to move to orphan roads.
38
39 Councilmember Leventhal,
40 Yeah.
41
42 Council President Praisner,
43 You want to, you can comment on both.
44



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1 Councilmember Leventhal,
2 Great, if it's in order

3
4 Council President Praisner,
5 So go for it George.

6
7 Councilmember Leventhal
8 -- and then I won't take too much of the Council's time. I just, I think the Council
9 President asks excellent questions about honoring the queue. I do share with the Vice-
10 President and the Committee chair support for constructing Lockbury Drive. So, you
11 know, in the most expeditious manner possible with all, you know, fairness to other
12 projects that have been waiting. So I just wanted to be on the record. It is an important
13 project and I --.

14
15 Council President Praisner
16 And I don't oppose it.

17
18 Councilmember Leventhal
19 The memo here says that Councilmembers Knapp and Floreen support it, I just wanted
20 to be on the record I'm also in favor of it and if it were only 150,000, I'm going to bail on
21 this orphan road thing. I think Glenn's, I think Glenn's comment, the Committee agrees
22 with DPWT's argument, I remember the discussion, I didn't remember us coming out
23 quite as strongly as Glenn describes it here and I'm pulling out on that one.

24
25 Council President Praisner,
26 (multiple voices) You're with Glenn now?

27
28 Councilmember Leventhal,
29 I'm with Glenn now yeah. I think where we are on that is that what we need to develop is
30 a, and we discussed this in Committee, we need to develop a ranking mechanism
31 similar to what we have with the noise walls and that that is not, it is not as important
32 today that we assemble the absolute 100% comprehensive inventory. I think that the
33 material we've been given suggests that there are a heck of a lot of these roads and
34 knowing precisely where each one is and precisely how much each one would cost,
35 we're never going to fix them all. And so I think the issue before us in the coming year is
36 to determine how are we going to address the mechanism by which neighborhood
37 petition, by which the orphans get adopted? And so I'm bailing on that one and I'm with
38 Glenn.

39
40 Council President Praisner,
41 Okay.

42
43 Councilmember Floreen,
44 Well, thanks for the advance notice.



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Councilmember Leventhal,

It only occurred to me when I read over this. I didn't mean to blindside the Committee Chair.

Councilmember Floreen,

I hate to think that once again Ms. Dennis has abandoned us.

Council President Praisner,

She was here all morning.

Councilmember Floreen,

She was here all morning and then she obviously had more important priorities. This – really the Peggy Dennis Road study effort. The Civic Federation, for a lot of time, this is their dedicated but unmaintained road study. There are certain members of our community who may live on roads that have been, that are just there. They really haven't been maintained. Most of the residents are okay with that. There are Ad Hoc arrangements in various places throughout the community. And every so often there is one resident who disagrees with the group as to what's going to be done. So I know that Ms. Dennis and the Civic Fed have done a really terrific job on identifying roadways in the community that need some attention, but then they want help in developing how that process should work. And it's not an easy, at least from my perspective, since I seem to be the last one standing on this, it's a challenging situation in terms of developing a process. Basically, the debate within the Committee is should we accept what the community work has been and just work from there. It is probably good enough to get you started. I suspect that once the details of any community's issue is really laid on the table, it will be very difficult for anyone to be certain as to what the proper resolution of their need should be and this has to do with who pays for what and to what standards things would be developed. And a challenging situation and Glenn has laid out all those concerns. The department said well if you're going to ask us to do that we really want to know exactly what the problems are. Glenn and now Mr. Leventhal's approach are, well we're never going to know exactly what those problems are because they're all individualized but we could at least spend some money for a consultant to review the bidding and bring us some suggestions. Frankly I don't know that it's worth us spending a great deal of time debating the issue. I know that the department wants greater certainty as to what problem it is that it's solving and I'm not sure that we will ever really have that frankly, so I'm going to bail too and go with --. So where are you Valerie?

Councilmember Ervin

I'm bailing.

Council President Praisner,

(multiple voices) Three bails make a bucket so --.



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1 Councilmember Floreen,
2 (laughter) I think our revised proposal that we are making up on the fly is to leave some
3 dollars and to develop some, a more narrow proposal that the department and we could
4 work with and why don't we ask you to bring that back to the T&E Committee.

5
6 Council President Praisner,
7 I was just going to say, I would like, as someone who has had to respond to community
8 letters about why the roads aren't maintained and what the rationale and policy and
9 background is, I would think that it would be helpful to have that brought back from a
10 standpoint of what you're shaping and what you're reviewing and what is the policy
11 reaffirmed before we use whatever data the Civic Federation has or whatever other data
12 you may need before we shape a new approach, if any. So, why don't you bring that
13 back in whatever you use those funds for to T&E.

14
15 Councilmember Floreen,
16 So it would be, leave it at a hundred thousand?

17
18 Council President Praisner,
19 Thousand. Yes.

20
21 Councilmember Floreen,
22 Okay. Next item. Councilmember Trachtenberg has gotten into the game and
23 recommends that we, has asked the, for information and what it would take to look at
24 better ways to really to connect neighborhoods. Would that be a fair way to summarize
25 that Ms. Trachtenberg? And so, there are unbilled rights of way here and there. There
26 are the opportunities for walkways, bike paths and the like out there somewhere and the
27 question is well, what would it take to look at those and to bring us back a proposal?
28 DPWT told us that they can't do anything on a short term basis. That it would cost at
29 least \$400,000 and would take 18 months to complete. If you just did a down County,
30 they estimate that it would cost about half that. And I assume it would take a little less
31 time. The Committee said, well, this is an interesting idea. We weren't sure that given
32 our financial, other fiscal initiatives in terms of advancing the other sidewalk programs
33 and responding to community requests that this was a priority at this point.

34
35 Council President Praisner,
36 Councilmember Trachtenberg would like to comment.

37
38 Councilmember Floreen,
39 Right, so I'd like, leave it to Ms. Trachtenberg.

40
41 Councilmember Trachtenberg,
42 You know, I just want to simply state that, you know, I looked at the number that was
43 being suggested for the evaluation and I thought it was rather high but more importantly
44 what I just wanted to really state clearly was that in terms of identifying some non-



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1 budget means for soliciting such connectors from the neighborhoods themselves. I
2 would hope that in the months ahead we can actually have some type of timetable, a
3 strategy to do just that especially when you consider that we are placing such an
4 emphasis on walkable communities which is really what this proposal speaks to. The
5 idea that we would connect neighborhoods, not just for those that drive cars but for
6 those that walk neighborhoods. In fact George told us an amusing story this morning
7 about his wanting to locate a Ride On bus and be able to use it to get here to the
8 Council building. My daughter is visiting me and she went to school out in California in
9 Berkeley where they have a very advanced public transportation system. She lives out
10 in Chicago and she's here without a car. And I happen, we happen to have just one
11 family car in the household and so the first week that she was here, you know, we
12 encouraged her to use the bus line. We live right near White Flint Metro but given where
13 she wanted to travel throughout the County we suggested use Ride On and what she
14 discovered is exactly what George described which is that it's not clear at bus stops,
15 you know, when the buses are coming. They don't always come at the right time. Well,
16 then we got to the point where we said okay, well just walk over to White Flint Metro
17 which is a joke in our family because it used to be you could walk to White Flint and do
18 it rather safely and now because of all the density, all the development where we live
19 and again I am one of those who has supported that, walking late at night on those
20 streets is not really a safety situation at all. It's very unsafe and the third week she's
21 here, now we have gotten to her using a bicycle and last night when she came home,
22 she described to me the lack of safety that she felt in doing that and so I looked at her
23 and I said well what are you saying to me? And she said what I'm saying is that we are
24 not a very friendly community and, you know, we're not friendly to people that walk
25 necessarily. We're not as friendly as we need to be to those people who are depending
26 on buses and Metro. I know we have made a lot of improvements in recent years and I
27 respect all the hard work and effort of department folks as well as those that sit up here
28 but I would say just very respectfully that I think as we look at our growth policy and we
29 look at developing infrastructure that one of the things we have really got to do is make
30 a very aggressive effort at making sure that people can walk safely and enjoy the
31 wonderful community that we live in.

32
33 Council President Praisner,
34 I'm going to call on Councilmember Leventhal for comment but I just wanted to make
35 one comment and then I'm going to ask if there are any questions on page 12 for items
36 19 through 23 because there doesn't appear to be any disagreement or difference in --..

37
38 Councilmember Floreen,
39 We're just about done. I think.

40
41 Council President Praisner,
42 Move to the next where there are issues. But I want to make a comment that I think
43 Councilmember Trachtenberg raises some very good points. The challenge though I



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1 think is we don't know where all these easements are and we don't know where all the
2 drainage is and we don't know where all the paper roads are even, actually.

3
4 Councilmember Trachtenberg,
5 I know.

6
7 Council President Praisner,
8 And that's part of what hopefully could come out of the GIS improvements and also it's a
9 function of researching what may be in the files as we have found out with recent
10 easement issues drainage or otherwise. And there also are paper streets that, where I
11 could see the community wanting walk ways rather than the streets. Where in the end
12 the improvement may be a connector street, not just a walk way. But I think we have
13 found other places where we've encouraged the community to come forward with
14 connection pieces and to identify where an extra little connection would make
15 pedestrian access more easily available so I think some work can be done on this in an
16 Ad Hoc basis while we ask folks what would be the magnitude of trying to develop the
17 information and come back to us with that kind of approach and your recommendations
18 of what would be done so that we could look at this over time rather than trying to put
19 money in that we don't have right now and not knowing the stages that we might want to
20 break this out into steps that would allow us to look at this in pieces and also engage,
21 for example, the Regional Services Center Advisory Boards who may be able to identify
22 little pieces as well or Rec Advisory Boards or some of the other advisory boards who
23 may come forward with some suggestions recognizing that for some folks the agenda
24 will be to take a paper road and make it never a road and that is an issue as well.
25 Councilmember Leventhal.

26
27 Councilmember Leventhal,
28 Well, I agree with everything the Council President said and her excellent suggestions
29 to Councilmember Trachtenberg. And I just wanted to let Councilmember Trachtenberg
30 know I did read your memo. I don't want you to think we just rejected your idea out of
31 hand.

32
33 Councilmember Trachtenberg,
34 Oh no, no, no.

35
36 Councilmember Leventhal,
37 And what I --.

38
39 Councilmember Trachtenberg,
40 I don't think that at all.

41
42 Councilmember Leventhal,
43 What I wanted to suggest, if the Committee Chair is amenable, is perhaps at some point
44 in the coming year, not in the heat of the budget, we could work with, this is for the



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1 Committee Chair to decide but it's just a suggestion, work with Councilmember
2 Trachtenberg to flesh out this discussion on the Committee's agenda. Let me just say
3 that in my experience here it is often surprising to me the things that neighbors will fight
4 and although your memo very attractively paints a picture of a walkable connected
5 bicycle friendly community, we have been here where proposals have been made to
6 convert a paper street into something other than a paper street, whether it's a bike trail
7 or a road. And in general people tend to like their neighborhoods the way they are and
8 these paper streets always about somebody's property and someone tends to think that
9 they're just part of their front yard and the idea that all of a sudden you are going to
10 have bicyclists and hikers walking where they never were walking before, will generally
11 encounter resistance rather than acceptance. And that has been my experience. So,
12 what we might want to do following the Council President's suggestion, is without doing
13 a County wide study, identify eight or nine of these things which we could do, you know,
14 with our staff or working with the Regional Services Center as the Council President
15 suggests and kind of gauge public reaction to the concept. Because I'm not certain that
16 the public reaction would be as favorable as it might appear on the surface. The other
17 issue that people tend to raise when you talk about these trails between neighborhoods
18 is there's a lot of anxiety about security. And that if someone robs my house will they be
19 able to escape quickly and rapidly and when you build trails through neighborhoods it's
20 counterintuitive but often the neighbors think well that's just an opportunity for
21 somebody to rob my house and get away. So, I'm not saying that's my point of view but
22 I've been sitting here, now this is my 5th year and I hear that frequently. These issues of
23 converting public streets, I mean, paper streets have come up before and the reaction is
24 rarely positive.

25
26 Councilmember Trachtenberg,
27 Yeah, well, I appreciate your comments George and, you know, I would just hope that in
28 the future we can start talking about this and as Council President suggest identifying
29 some places where perhaps we can implement this kind of policy in those environments
30 where there's more of a friendly atmosphere. So I would agree with that and by no
31 means were my comments a negative response to what the Committee did. I had – staff
32 at the worksession so I was quite aware. I just wanted to state my desire to have this
33 addressed and I like to walk and I like to walk places. I haven't ventured up to the
34 Council building yet from where I live in north Bethesda but maybe one of these days I
35 will. What I would tell you is I'd have to come up Rockville Pike. And I wouldn't consider
36 that a really enjoyable walk.

37
38 Council President Praisner,
39 Okay, any questions on items 19 through 23?

40
41 Councilmember Floreen,
42 Councilmember Leventhal and I we would advise you that bike to work day is coming up
43 and --.



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1 Council President Praisner,
2 Items 19 through 23. (multiple voices) If there are no comments we are moving to item
3 24. Madam Chair.

4
5 Councilmember Floreen,
6 The bus stop improvement program we really are trying to work to increase transit
7 accessibility. And what we are proposing is to keep the funding at a level of two million
8 dollars starting in fiscal 08 so it would be consistent as what had been planned for 09,
9 10 and 2.5 in fiscal 11 and 12. So we're proposing an additional million dollars in fiscal
10 08 for bus stop improvements. This is the boring stuff that makes a big difference to the
11 transit user.

12
13 Council President Praisner,
14 Okay, item 25.

15
16 Councilmember Floreen,
17 This, I don't know if you want to spend time on this. This is

18
19 Council President Praisner,
20 the sad saga of -- funding.

21
22 Councilmember Floreen,
23 Well, the fact that impact tax revenues resumed at a higher level than had been
24 received. And so this is the math on the funding. I don't know if folks want to go into the
25 details on this.

26
27 Council President Praisner,
28 No, I don't think so. Except that this is the kind of information we will continue to need to
29 look at as we look at the annual growth policy and impact tax issues. And as someone
30 said on Saturday when they argued that the County has never put their share in when
31 the private sector puts their share in, this is the response from my perspective of where
32 the impact taxes have not appeared where the County has had to forward fund, so to
33 speak. My concern, when we start to identify specific projects, is that this means that
34 the next shot of revenue of impact taxes is going to be reimbursing County and we're
35 back in the process of reimbursing public funds in order to level the playing field of
36 impact tax revenue versus County revenue on projects.

37
38 Councilmember Floreen,
39 Well, that's a point of view.

40
41 Council President Praisner,
42 Well, It happens to be what we've done.

43
44 Councilmember Floreen,



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1 -- share that view in terms of the County's commitment for transportation funding but
2 we'll save that for next month, right?

3
4 Council President Praisner,
5 Yeah.

6
7 Councilmember Floreen,
8 Next item is Watkins Mill Road extended. We're deferring something. This is good.

9
10 Council President Praisner,
11 And that's the last item on this, right?.

12
13 Councilmember Floreen,
14 There's one other, just a heads up. Much of this regrettably gets played around with at
15 the point of reconciliation. And these are some of the things that Glenn may be looking
16 at if, as budget issues present themselves.

17
18 Councilmember Floreen,
19 Are we done?

20
21 Council President Praisner,
22 Yeah.

23
24 Councilmember Floreen,
25 We're done.

26
27 Council President Praisner,
28 I would like to get the dollar amount to accelerate Thompson Road in facility planning
29 and how much would be needed in FY08 to accelerate Thompson Road.

30
31 Glenn Orlin,
32 It's on that same spreadsheet that I'm getting this afternoon.

33
34 Council President Praisner,
35 Okay. Well, I'd like to, with Council's indulgence, to put that on the reconciliation list to
36 be considered.

37
38 Glenn Orlin,
39 Well we don't have a reconciliation list for the CIP. If the Council wants to do that now
40 as a starting point for CIP reconciliation we can do that.

41
42 Councilmember Floreen,
43 Sure. I support that.



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1 Edgar Gonzalez,
2 Council President -- I would like to request the Council to appropriate \$200 to Mr. Orlin.

3
4 Council President Praisner,
5 \$200?

6
7 Edgar Gonzalez,
8 \$200 to Mr. Orlin so he can get a color printer. (laughter) To print the spread sheet that
9 we give him.

10
11 Council President Praisner,
12 (laughter) Without exception that is before the Council.

13
14 Councilmember Floreen,
15 You can run that through my office.

16
17 Council President Praisner,
18 Okay, thank you everybody.

19
20 Councilmember Floreen,
21 Next item.

22
23 Council President Praisner,
24 There's, oh I'm sorry, something else?

25
26 Glenn Orlin,
27 Are we actually through all of this?

28
29 Council President Praisner,
30 We're actually through all this. Okay.

31
32 Councilmember Knapp,
33 The only question I have was as it relates to traffic signals.

34
35 Council President Praisner,
36 Oh

37
38 Councilmember Knapp,
39 I know we're going to move those around. Councilmember Praisner had, President
40 Praisner had sent a memo around as it relates to Northwood -- High School but I just
41 had question for Edgar or Al to see. When we put up, when the state puts new stop
42 lights in, so 355 for Rockville Middle School or Ridge Road at Skylark or places along
43 those, those places, does the County cover the cost of that traffic signal? Oak Drive on
44 Route 27.



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1
2 Council President Praisner,
3 Your mic's not on Edgar. Edgar, your mic's not on.

4
5 Edgar Gonzalez,
6 Okay. If the state has approved the traffic light, the traffic signal, then they will pay for it
7 and then we will maintain it, we will operate it.

8
9 Councilmember Knapp,
10 You'll maintain it?

11
12 Edgar Gonzalez,
13 Yes. And we'll get some reimbursement from the state.

14
15 Council President Praisner,
16 No, that's not the question. The question was -- .

17
18 Councilmember Knapp,
19 (multiple voices) Because they did the traffic study and the traffic study they felt
20 warranted putting in the traffic signal.

21
22 Edgar Gonzalez,
23 Yeah, they have money--.

24
25 Councilmember Floreen,
26 Okay.

27
28 Edgar Gonzalez,
29 For their own traffic signal system so they can fund some. We also have been in a
30 situation in which they say this is warranted but we really don't have the money so we
31 have advanced money also in some cases, very seldom. But we are doing one I think at
32 Skylark and -- 27.

33
34 Council President Praisner,
35 No, that's neither --. (multiple voices) When there is a development either private sector
36 or County like a fire station, well, fire stations are bad examples.

37
38 Councilmember Knapp,
39 Right, yeah.

40
41 Council President Praisner,
42 We have gone through schools and for public safety reasons we have decided, and
43 traffic that we should install lighting. Is that paid for by the state? Because we have



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1 been told on this project, Northwood University Boulevard partial light is treated like it
2 would in the private sector payment and the County would have to pick up the costs.

3
4 Edgar Gonzalez,
5 Developers had been required to build sidewalks and pay for them. We will then
6 maintain them and operate them. It's not the maintenance question Edgar, it's the
7 construction question. And I'm saying developers have been required to build them and
8 they have to pay.

9
10 Council President Praisner,
11 If you get me the answer -- .

12
13 Unidentified
14 I think I agree with what you are say but I will double-check.

15
16 Unidentified
17 Check on it.

18
19 Unidentified
20 Check on that because I know there have been others where we, the state has paid.
21 Because we're getting a supplemental.

22
23 Unidentified
24 Right.

25
26 Council President Praisner,
27 Yes, Councilmember Berliner.

28
29 Councilmember Berliner,
30 Thank you Madam President. I just wanted to thank the Committee and the Council for,
31 I was not here when you took up both Chapman Avenue and Neville because it will
32 result in relieving congestion along Wisconsin Avenue and that's a very important matter
33 and I thank you for your support as well as for the MacArthur Boulevard Bikeway
34 improvements. The expedited treatment with respect to that. So, I felt that the
35 Committee was very responsive and I wanted to extend my gratitude.

36
37 Council President Praisner,
38 Okay folks, we are way behind on schedule from a standpoint of goals that we had set.
39 We have the rest of Public Works And Transportation, the Department of Environmental
40 Protection, I see members of the Police Department may have decided to step out for a
41 while, Circuit Court and CIP so we need to move along. To the extent Councilmembers
42 would like to step downstairs by taking a break individually. I'm sorry that's how we're
43 going to have to do it. Individually, please don't go nuts. Please don't go nuts or
44 bananas or get in a fudge while we're in this process. Okay? Lets move on.



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Councilmember Floreen,

Okay. We are moving on to the exciting area of facility engineering, facility maintenance, the real estate program and the copying department. Basically, the Committee believes that maintenance of County facilities is under funded. We recommended, recommend putting \$100,000 on the reconciliation for additional maintenance efforts. You could argue about the dollar amount but we could probably spend way more than what we are currently spending. That's the Committee recommendation on that point. It is explained in more detail on page 5 of your memo, 5 and 6. The department requested \$2.108 million in operating expenses for deferred maintenance. However, the dollar amount that's shown is zero. Is that right? Chuck? So, there you have it. And the Committee, given the fiscal challenges really didn't recommend adding additional dollars in this department although we know it is significantly overdue. There is a need for an individual to supervise the, let's see here, the Capital, the Civic Access Program and I think MFP took that up.

Council President Praisner,

Yeah, I, Councilmember Trachtenberg may want to comment. Council Vice-President Knapp's light is on. Why don't we ask him to raise whatever issue or is it something else?

Councilmember Knapp,

No, it's on the maintenance piece.

Council President Praisner,

Okay, maintenance.

Councilmember Knapp,

If we look at this, it talks about that I guess by having the deferred maintenance shown as zero, the deferred maintenance will have, actually increase from 11.3 million to 13.2 million from this year to next? Am I reading that right? Okay. So, what's the practical impact of that? I mean, we have got a number that shows we've got a, we're just, we have a backlog, we're going to continue to have a bigger backlog, the numbers bigger of what's practically is people are going to different buildings across our County, what's that mean? Really? What are some examples of that increase in deferred maintenance?

Al Roshdieh,

Well, I can respond that any safety or any maintenance that relates to the availability of the facility gets done. There are other activities such as carpet replacement or painting or other maintenance related things that is not going to cause any safety issue or causing closure of facilities may get deferred. And this deferred backlog is basically, those are the type of maintenance work that has been, you know, delayed due to lack of funding.



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1 Councilmember Knapp,
2 And what was the last time that we actually made progress in deferred maintenance as
3 opposed to having kind of this one step forward, two steps back approach we have right
4 now?

5
6 Al Roshdieh,
7 I believe last year we had some funding for deferred maintenance. In the prior years
8 there were a number of times that the Executive recommended, the Council approved
9 dollars in our deferred maintenance reduction backlog.

10
11 Councilmember Knapp,
12 So, the health and safety issues are addressed. But give me some, the \$2,000,000
13 increase, what's that, give me a, what's not going to get done if we're going to do health
14 and safety issues?

15
16 Councilmember Floreen,
17 (multiple voices) Look at Circle 10.

18
19 Al Roshdieh,
20 Yeah. As part of the Infrastructure Task Force, we hired a consultant to review a
21 number of our facilities and they came with a list of items that it could, as part of our
22 deferred backlog and we can see a number of --.

23
24 Councilmember Knapp,
25 And group 1 represents --.

26
27 Steve Nash,
28 Well, what we had, we have gone through it year by year, a series of facility
29 assessments of buildings, Group 1 is essentially police stations and libraries. We did
30 that one year. I think that was 24 facilities, 750,000 square feet. And then Group 2 is our
31 second iteration of those facilities about 600,000 square feet. So we've done roughly
32 1.2 million square feet of approximately 6 million that the County maintains.

33
34 Councilmember Knapp,
35 Okay.

36
37 Steve Nash,
38 Through a consultant because it's sort of all piecemeal. And then the consultant gives
39 us reports with pictures, nice notebooks. We use that to help lobby and then present
40 information --.

41
42 Councilmember Floreen,
43 Or shore up the table.



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1 Steve Nash,
2 To OMB and, you know, and the deferred maintenance areas, I mean, these are
3 elements, building systems or elements –
4

5 Unidentified
6 Right.
7

8 Steve Nash,
9 Of the building that are either broken or not functioning properly but we don't have the
10 money to repair it. They're not causing a life safety issue.
11

12 Councilmember Knapp,
13 Right.
14

15 Steve Nash,
16 Particularly, but that means systems are working harder, they're going to burn up and
17 wear out earlier. Roofs, roofs are a capital issue but some of these we do let aggregate
18 and then pick up when we do the CIP renovation but unfortunately that schedule is real
19 slow but when it happens we knock everything out.
20

21 Councilmember Knapp,
22 Okay. Alright. The one thing I see in group 2 are the number of fire stations and in the
23 Public Safety Committee we've actually put resources into fire and rescue to do some
24 element of maintenance within some of those fire stations. I don't know if that is
25 captured here or if that gets addressed. So, I'd just be curious, not for today but if you
26 can get some feedback as to how the fire chief is allocating those resources to the
27 different LFRDs if it addresses any of the concerns that are here or if that's still a
28 separate department.
29

30 Council President Praisner,
31 Well, LFRDs, to the extent they are not County buildings would not be captured in the
32 County building inventory.
33

34 Councilmember Knapp,
35 Right.
36

37 Council President Praisner,
38 But this is County building inventory.
39

40 Councilmember Knapp,
41 Yeah.
42

43 Unidentified
44 These are County buildings.



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1
2 Al Roshdiah,

3 And you are right, in the County buildings if you look at the Infrastructure Task Force
4 report you will see that the backlog in the public safety facilities are extremely lower
5 than the administrative type building.

6
7 Councilmember Knapp,
8 Yeah. Okay. Thanks.

9
10 Council President Praisner,
11 Can we move on? The next item.

12
13 Councilmember Floreen,
14 That's pretty much it Madam President.

15
16 Council President Praisner,
17 Okay. I wanted to have --.

18
19 Councilmember Floreen,
20 Unless people have questions about the packet.

21
22 Council President Praisner,
23 I wanted Councilmember Trachtenberg to make whatever comment she wanted to
24 about the ADA because in the past the ADA other than the road curb improvement
25 issues relative to buildings has been reviewed in MFP and that's why --.

26
27 Councilmember Trachtenberg,
28 Right.

29
30 Council President Praisner,
31 I wanted to have MFP have a shot at this because if we're resurrecting that issue
32 because of the court, because of the justice department. Councilmember Trachtenberg.

33
34 Councilmember Trachtenberg,
35 Actually, I was not at the worksession where this was discussed but it is my
36 understanding that the Committee discussed it and that we also clearly recommended
37 funding for it. So that's really all I have to say.

38
39 Councilmember Floreen,
40 Yeah.

41
42 Councilmember Trachtenberg,
43 That's the one aspect that we did take up in our Committee.



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1 Councilmember Floreen,
2 So, we are in concurrence and apparently the position has been filled so.

3
4 Council President Praisner,
5 From a funding prospective but I think from a tracking prospective what the MFP
6 Committee said is they want to have a better understanding of this whole issue of the
7 justice department and what it means. There may be issues from multiple County
8 governments that that issue needs to be looked into.

9
10 Councilmember Trachtenberg,
11 Right and we will, the Committee was concerned about the fiscal obligations that we --.

12
13 Councilmember Floreen,
14 I think this might be a good thing for maybe a joint Committee meeting on.

15
16 Councilmember Trachtenberg,
17 Right.

18
19 Councilmember Floreen,
20 Because it raises some interesting legal issues.

21
22 Councilmember Trachtenberg,
23 Well, I'll make sure I have that scheduled. I think that's a good idea.

24
25 Council President Praisner,
26 Okay, that's it, no other issues. We've talked about central duplicating et cetera and
27 internal funds and the challenges of funding so lets move on to the next item.

28
29 Councilmember Floreen,
30 Okay. This is the Fleet Management Services and Motor Pool Fund Contributions. Once
31 again, Mr. Berliner is not here when we want to tell him how environmentally sensitive
32 the Council already is. We have told DPWT that we want to see them acquiring hybrid
33 vehicles or vehicles that use biodiesel or other environmentally sensitive fuel to the
34 maximum extent possible. We did understand that to the extent that you're dealing with
35 public safety vehicles and obviously equipment that simply cannot be acquired in that
36 category that this directive could not be achieved. We also understood that it might
37 increase the cost. And we said well, fine, we believe that in the olden days you could
38 drive around in snow and rain and the muck without an SUV and successfully achieve
39 the result. In fact, when did SUV's start? We were old people by then I think.

40
41 Council President Praisner,
42 Speak for yourself.

43
44 Councilmember Floreen,



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1 (laughter) Somehow the planet managed to turn --.

2
3 Council President Praisner,
4 We're not going to debate the age of Councilmembers and the classification of them.
5 We are going to move this right along.

6
7 Councilmember Floreen,
8 Exactly. So that's a view DPWT can come back to us if they are, if the world is going to
9 come to an end but we weren't persuaded that they, their brilliant minds could not
10 achieve this result.

11
12 Council President Praisner,
13 Councilmember Berliner is back.

14
15 Councilmember Floreen,
16 Is back.

17
18 Councilmember Berliner,
19 Is back and as bad as ever. Just wanted to make sure you appreciate that one of the
20 initiatives that 8 and 9 of us have endorsed in principal is ensuring that your fleet, our
21 County fleet in fact has a fuel economy that is comparable to that which the democratic
22 Congress has embraced as 44 miles to the gallon and that --.

23
24 Councilmember Floreen,
25 Wait a minute, is that for me?

26
27 Councilmember Berliner,
28 We are looking to you to move in that direction as well as to justify as the Chair may
29 have said any use of an SUV because it isn't clear to us that all of the current uses are
30 in fact required and it seems that we ought to justify any use of an SUV. So, it's not to
31 say that there aren't, but any unnecessary use of an SUV seems to us to be not
32 acceptable. Be aware that we will be pushing very hard with respect to making sure that
33 we are in fact a model that the County should be with respect to fuel economy.

34
35 Councilmember Floreen,
36 The, more questions?

37
38 Council President Praisner,
39 Yes, Councilmember Leventhal.

40
41 Councilmember Leventhal,
42 Mr. Berliner, I'm glad you returned. And I don't know, I just wanted to call to your
43 attention this document that was just distributed to us by the department because the
44 Committee had unanimously moved just as far or perhaps even further than what you



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1 had suggested and clearly Councilmembers are very, very interested in this set of
2 issues. I think we've got a real challenge here and I guess my inclination, I'll just state
3 my case, would be to go head with the policy and let us take a look in 90 days or 120
4 days and see what the effect has been on fleet replacement. I don't know how many,
5 you know, vehicles we are going to need to purchase in the next few months. It
6 certainly, this memo makes a very strong case. I think Mr. Berliner's point is also very
7 important, that is a Chevy Cobalt has higher mileage even than a hybrid SUV. I own a
8 hybrid SUV and I get about 28 miles to the gallon. It's 4 wheel drive and that brings
9 down the fuel efficiency quite a bit. Chevy Cobalt probably gets 34, 35 miles to the
10 gallon more or less. So, my sense is that I'd like to continue to vote for the Committee's
11 position right now. I'd like us to continue looking at this. I agree with the federal effort to
12 impose stronger cafe standards. It may or may not be feasible in a single County with
13 our own procurement restrictions to, on our own, achieve those café standards, either
14 the product is available or it's not. The Clean Cars Bill will affect those vehicles that are
15 available for sale in Maryland but it's not in effect today. So, there's a lot of, there's a lot
16 of moving parts here but I guess my preference today, in terms of passing the budget,
17 would be to stay with the policy that the Committee advocated and then let us measure
18 what kind of a hardship it may be placing, you know as we implement it over the next
19 three to six months.

20
21 Council President Praisner,
22 I would like to --.

23
24 Councilmember Leventhal,
25 And also on SUVs I absolutely just, very quickly, I absolutely suspect, strongly, that we
26 are overusing SUVs in County government, far more than, you know, than we should
27 be.

28
29 Council President Praisner,
30 I would like to interject one other point. I think this is also an appropriate time for the
31 Committee and the Council to review how many vehicles we have and how we are
32 using both motor pool and designated vehicles to departments and what we see is as
33 we have in this budget several Committees are being told that adding a new person
34 means adding a new vehicle and it either is a truck or it's one version or another. It's
35 been a long time since we had a comprehensive review of what vehicles are in the
36 motor pool, how many we have, how many folks are using motor pool vehicles versus
37 their own and being reimbursed, how many people have an automobile and are
38 reimbursing the County or not reimbursing the County, mostly public safety personnel in
39 that category, how many maintenance vehicles we have et cetera. And a part of this is
40 also where the depots are and how we maintain and service so I think it's overripe for a
41 comprehensive conversation about these issues, not only in what we buy but how many
42 we buy and what that relationship is of motor pool et cetera to different departments.
43 So, I would hope that we could embark upon both kinds of conversation simultaneously



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1 because there may be savings associated with fewer vehicles as well as what type.
2 Councilmember Berliner.

3
4 Councilmember Floreen,
5 Well, Madam President, let me just say that that's really frankly the product of the
6 Committee's recommendations. Because we're not proposing an increase in the
7 funding.

8
9 Councilmember Floreen,
10 But we are, are recommending an increase, a change in the County policy in this regard
11 which I think will have that effect.

12
13 Council President Praisner,
14 Well, it would back door us into it not from the front door approach which is, I think, what
15 we need to have as well because there will be some departments who will because of
16 their budgets be able to continue the policies that they have versus other departments
17 and there will be tax supported and not tax supported positions that are going to carry
18 with them costs. So I would hope we could both back door and front door and meet
19 ourselves somewhere in the kitchen and have this conversation. Councilmember
20 Berliner.

21
22 Councilmember Berliner,
23 Could I come in the side door?

24
25 Council President Praisner,
26 Sure.

27
28 Councilmember Berliner,
29 Okay.

30
31 Council President Praisner,
32 Anytime.

33
34 Councilmember Berliner,
35 In the side door, I again not being on the Committee, don't know the extent to which the
36 Committee requested an inventory of all of our vehicles and what their fuel economy is
37 and their ages. If that request has not been made --.

38
39 Councilmember Leventhal,
40 Well, just, if I could call your attention to the beginning of agenda item number 8, the
41 first, what the Committee recommended is on the front page of this memo here and I
42 don't think we asked for a complete inventory of all vehicles. What we did as stated here
43 is we proactively stated that from here on in that we would not purchase any vehicles
44 that were not basically alternative, either hybrids or alternative fuel vehicles.



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1
2 Councilmember Berliner,
3 I would still appreciate an inventory.

4
5 Councilmember Leventhal,
6 Excuse me, other than for public safety. The Chair, I don't know if the Committee
7 reflects that but the Chair made it clear that the policy, does it state except for public
8 safety? I don't see that in here.

9
10 Essie McGuire,
11 It does not.

12
13 Councilmember Leventhal,
14 Yeah, I think that's a very important point because there will be concern out there. The
15 Committee chair made it clear and I concur that police vehicles, this policy would not
16 apply to.

17
18 Councilmember Floreen,
19 And that's what we, it should be reflected on --.

20
21 Council President Praisner,
22 Well, you need to be careful when you say public safety. Public safety involves a whole
23 host of folks. Some of whom can use those hybrid vehicles just as easily as anyone else
24 in the County. A police vehicle cruiser may be different.

25
26 Councilmember Leventhal,
27 Right.

28
29 Council President Praisner,
30 But public safety carries a whole other definition so be very careful what you're saying.

31
32 Essie McGuire,
33 If staff can just clarify one issue, the chart on page 6 which shows a vehicle
34 replacement summary, the category of public safety I did understand subsequent to the
35 packet does not include SUVs that are public safety designated. Those are included in
36 the SUV line. Of the 24 that is listed there for 4x4s, pickups and SUVs, 14 of those are
37 public safety SUVs and therefore would fall into the public safety category that we're
38 discussing now. So to clarify that there are 14 public safety SUVs indicated in a
39 separate line from the public safety sedans.

40
41 Councilmember Berliner,
42 If I could --.

43
44 Councilmember Floreen,



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1 We will revisit this in the course of the year.

2
3 Council President Praisner,
4 Yes, we're going back--.

5
6 Councilmember Berliner,
7 If I could reclaim my time for just -- purpose--. Yeah. While I appreciate the observation
8 of my colleague with respect to the going forward policy in so far as I believe that we
9 should be going to looking at a fleet average. I don't know how one gets there without
10 knowing what our current inventory is.

11
12 Councilmember Leventhal,
13 Sure.

14
15 Councilmember Berliner,
16 So I do believe it would be appropriate for us to get an inventory as to precisely what we
17 have, what the mile per gallon is for each of these vehicles and I think it will also in the
18 process give us more information as to where there are potential abuses and how we
19 could make modifications.

20
21 Councilmember Leventhal,
22 If you are making that request as a motion I will second it Mr. Berliner.

23
24 Councilmember Berliner,
25 I am making that request as motion. Why don't we ask the department to provide us
26 either --.

27
28 Council President Praisner,
29 Is there a comment or reaction from the department before --?
30 I'm sorry, yeah, I'm going to call on other people before we vote. But I wanted the
31 department to have a comment.

32
33 Councilmember Andrews,
34 Along with that inventory, do we have any calculations currently as to total mileage?
35 You know total miles.

36
37 Council President Praisner,
38 --the question.

39
40 Councilmember Andrews
41 Do we have, do we have any --.

42
43 Councilmember Ervin,
44 We actually do. This is why I keep wanting to interrupt.



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1
2 Councilmember Andrews,
3 Okay.

4
5 Councilmember Ervin,
6 Because the Office of Legislative Oversight in 2003 produced a report titled an Emission
7 Analysis of the County and Bi-County Agency Fleets. And in this report, there is a
8 complete analysis, even though it's a few years old now, it's a baseline from where to
9 start. There is a list of all passengers cars used by the County, 1506, traveled 20.1
10 million miles, 389 light trucks, 589 heavy trucks, et cetera, et cetera. It's in the OLO
11 report. They did a really excellent job. It talks about what kinds of emissions by ton. I
12 think it's a great baseline so we don't have to go back and recreate the wheel. We
13 started with this, it was, the report was written by Sue Richards, Scott Brown and Ben
14 Stutz in June of 2003. So it's not that we haven't ever taken a look at it. We did and we
15 can continue that conversation.

16
17 Council President Praisner,
18 Right. We'll go back to Councilmember Berliner, you're complete, Councilmember
19 Trachtenberg.

20
21 Councilmember Trachtenberg,
22 Well, I actually just wanted to speak in support of doing exactly what my colleagues
23 have asked for and I specifically support the Committee recommendations. I actually
24 filled up the family vehicle this morning, I happen to have a 10-year-old SUV, which I'm
25 hoping in the next year is replaced. It actually cost me a whopping \$68 this morning to
26 fill up my tank so that should be incentive to all of us to find a way to convert vehicles to
27 hybrid status.

28
29 Council President Praisner,
30 The, department have any comments on the motion in front of us to ask for that
31 inventory updating from the work that Councilmember Ervin has indicated?

32
33 Al Roshdiah,
34 No. We don't have any issue. My concern is a little bit on the timing of how soon we can
35 provide the Council with this report and if I may take at least, have a better
36 understanding of, because the purchasing and some of the information may have an
37 impact on how soon can we provide you this information.

38
39 Councilmember Floreen,
40 Madam President.

41
42 Council President Praisner,
43 Yes.



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1 Councilmember Floreen,

2 Why don't we take a, rather than nail all the details of this right now, since we have this
3 report perhaps it will be easier than had been thought to update it in a relatively rapid
4 fashion. I mean we don't need this in the next couple weeks and I think --.

6 Council President Praisner,

7 Well, I think --.

9 Councilmember Floreen,

10 I think the objective is that we acquire this information and work through it with respect
11 to our variety of green policies.

13 Council President Praisner,

14 Actually what I was going to suggest is if there's no opposition in essence that we would
15 just by consent go forward with this request and you would come back to us with review
16 of the OLO report and a timetable that makes sense from your perspective. Alright.
17 Absent any objections, that's what we will do. Let's move on then Nancy. Oh, I'm sorry,
18 something else?

20 Councilmember Floreen,

21 Okay?

23 Al Roshdieh,

24 On the issue of SUVs and the hybrid, I just want to say --.

26 Council President Praisner,

27 Is your mic on? Yes.

29 Al Roshdieh,

30 Yes. We do have a standing policy on the issue and the SUVs however the department
31 is looking at that at the present and we will come back to you with the new guidelines. In
32 regards to hybrids, we did a little more investigation into the cost and based on the
33 Committee recommendation we can only replace about half of the vehicles we're going
34 to replace on the administrative vehicles. So that I want to make sure because --.

36 Councilmember Floreen,

37 Well, you could save on acquisition of SUVs instead as administrative vehicles rather
38 than SUVs. It seems to me you've got some options.

40 Al Roshdieh,

41 Yes.

43 Councilmember Floreen,

44 I don't think we need to resolve all that here.



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1
2 Council President Praisner,
3 Okay. Absent any other questions on the Fleet Management Motor Pool Fund
4 Contribution --.

5
6 Councilmember Floreen,
7 We're done.

8
9 Council President Praisner,
10 We move to Solid Waste Services including the FY08 Solid Waste Services charges.
11 And Keith Levchenko is here from staff support and --. -- will now take over and I will
12 turn it over to Councilmember Ervin to take the lead on these issues. Valerie.

13
14 Councilmember Ervin,
15 Thank you. Madam President, to expedite items 9 through 12 I'm going to do something
16 a little bit differently than everybody has before me. I see the time is getting late. So
17 what I would like to do on items 9 through 12 is just go through the bullet points that
18 were highly significant to the Committee's work and then I will turn it over to staff and
19 ask that Mr. Levchenko would take us through the packet if need be if there are
20 questions. That way I think we can get through the remainder of these items much
21 quicker.

22
23 Council President Praisner,
24 Okay, thank you. What I would suggest is you make the bullet points and the we'll go
25 page by page and just see if in the topic if there are any lights or questions rather than
26 having a lengthy conversation about it.

27
28 Councilmember Ervin,
29 Sounds great.

30
31 Council President Praisner,
32 Okay Valerie, go.

33
34 Councilmember Ervin,
35 The Solid Waste Services budget is divided into three enterprise funds, collection,
36 disposal and leaf collection. These funds are non-tax supported funds for which
37 revenues and expenditures are directly connected. The following are the bullet points
38 that I've pulled out. One is that there is an overall decrease in this budget of \$1.9 million
39 or for 2%. The largest change is the net operating expenditures for the resource
40 recovery facility. They're declining by \$7.2 million as a result of increased electricity
41 revenue. Adding one commercial recycling investigator to increase enforcement on the
42 County's 35,000 plus businesses, currently there are only two investigators. This
43 position is important as the commercial sector produces a significant amount of
44 recyclables and their rate is still below 50%. If someone asks why we don't add



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1 investigators for the multi-family program, the answer is that they only account for 10%
2 of the total waste stream. The Committee approved a tip fee increase for refuse from
3 \$52 to \$56 per ton to keep tonnage process by the RRF within the policy levels. The
4 Committee approved the tip fee increase for yard trim from \$36 to \$40 per ton because
5 the Dickerson Compost Facility is expected to exceed its capacity in 07 and 08. And I
6 would ask that staff would then walk us through the packet for item 9.

7
8 Council President Praisner,

9 Okay. Let's just go topic by topic rather than going into details. I think the
10 Councilmember has done an excellent job of highlighting issues so when we get to each
11 of these points let's see if there are any lights.

12
13 Keith Levchenko,

14 Yeah, the beginning of the packet has some of the overall assumptions that build the
15 budget. Staff won't go through those but the Councilmembers can read those at their
16 leisure. The expenditure items specific to the budget start on page 14 of the packet and
17 some of these look very familiar to other budget issues you have taken up in other
18 departments. As Councilmember Ervin mentioned the budget itself does not have a
19 substantial amount of change in it this year. I've noted on page 14 of the packet there's
20 a new position requested for the commercial recycling investigator that Ms. Ervin
21 mentioned. There's also a contractual position requested at the recycling center. But
22 other than that you have got a fairly stable work force moving from FY07 to FY08. With
23 regard to lapse issues, the department has had a substantial amount of turnover and
24 vacancies over the past couple of years however their lapse is in fact already, as the
25 Executive has recommended, fairly high and the Committee felt comfortable with the
26 lapse level that was recommended by the Executive.

27
28 Council President Praisner,

29 Stop there. Councilmember Leventhal.

30
31 Councilmember Leventhal,

32 And my question relates to the charges when we're at that place.

33
34 Council President Praisner,

35 Okay. I had a question about recycling to understand we've had in the past previous
36 Councils asked a lot of questions about the status of recycling initiatives with the school
37 system. Where are we with those issues?

38
39 Eileen Kao,

40 We continue to work --.

41
42 Council President Praisner,

43 You need to introduce yourself. I'm sorry, I've forgotten this and Delphine is going to be
44 very, very mad at me.



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1
2 Eileen Kao,
3 Eileen Kao. We continue to work very closely with the school system. We have our
4 ongoing commitment to go through each year every school facility at least one time to
5 do a full evaluation of their recycling infrastructure and their recycling program and to
6 give them very specific recommendations school by school as to how they can improve
7 their recycling and waste reduction programs.

8
9 Council President Praisner,
10 So, are we keeping track by tonnage or amounts recycled or whatever associated with
11 the school system in the aggregate or individually by school?

12
13 Eileen Kao,
14 We're not able to --.

15
16 Council President Praisner,
17 Where are we?

18
19 Eileen Kao,
20 We are not able to track it individually by school because the way the collection contract
21 is set up. They actually can't take weights by school but we do get aggregate data. At
22 this point it's actually reported on an ongoing basis by the school system to the Division
23 of Solid Waste Services and then we review that. We're also tracking, you know, our
24 school by school evaluations, we continuously track that and have a lot of ongoing
25 discussions with MCPS staff.

26
27 Council President Praisner,
28 So where are we? What's the number? What's the percentage of waste that the school
29 system is recycling at this point?

30
31 Eileen Kao,
32 It's in the 20th percentile as they reported.

33
34 Council President Praisner,
35 And what was it last year?

36
37 Eileen Kao,
38 I'll have to get back to you on that.

39
40 Council President Praisner,
41 And what is our goal for them for next year?

42
43 Eileen Kao,



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1 Well our goal continues to be 50% and fortunately they have finally completed just
2 recently a waste composition study that we had recommended that they complete and it
3 does show that they could get to recycling achievement in the 40-some percentile range
4 pretty easily.

5
6 Council President Praisner,
7 How long the goal, what's time period we expect for them to get there?

8
9 Eileen Kao,
10 Our expectation is that they continue to increase year by year by year. We are pushing
11 them to try and do some improvements that we believe should have probably already
12 been implemented. We have had some ongoing discussions but fortunately with this
13 waste composition study which they actually just gave us a copy of just about a week
14 ago, it looks as though it validates the comments and the recommendations we have
15 been giving them for some time. So we want to really accelerate working closely with
16 them, with this data, with the recommendations to implement these improvements and
17 get more recycled.

18
19 Council President Praisner,
20 Okay so can we, I mean, can the Council be provided with a copy of that? I don't know if
21 Keith has it. I'd like to see the study that they have done as well.

22
23 Eileen Kao,
24 We can certainly make you a copy of what they have given us or Lynn Zarate of MCPS,
25 we could also get an original from her for you but we'll get that.

26
27 Council President Praisner,
28 That would be my preference.

29
30 Eileen Kao,
31 Okay.

32
33 Council President Praisner,
34 Okay, Council Vice-President Knapp.

35
36 Councilmember Knapp,
37 Just building on that comment. Keith if we could, I'd like to do this as a Committee
38 meeting in June or July to have MCPS come over and just have a joint discussion on
39 that. You know, as we both have children at Great Seneca Creek which is the new gold
40 certified school where we talk about all recycling all the time. It's wonderful. But I'd like
41 to get a better sense of how we are actually implementing that throughout and be able
42 to talk about a little bit better on a school by school basis versus kind of the overall
43 hierarchical kind of how do we transmit that downward from senior management to each
44 individual school. I think that'd be worthwhile.



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1
2 Council President Praisner,
3 Councilmember Berliner.

4
5 Councilmember Berliner,
6 I just want to make sure that my colleagues appreciate as I have learned that the
7 resource recovery facility is the County's largest contributor to Co2 emissions and I
8 guess my question is, to the extent to --. No, well, the County's --. Not, within the
9 County, the County's own facility and my question is, is there any cost effective
10 measures that could be adopted that would significantly reduce emissions? Have you
11 looked at that question? Where are we?

12
13 Dan Locke,
14 Yeah, I'm Dan Locke. Our operator Cavant has just come out with a, they just came
15 onto the market with a new patented technology that they claim will reduce NOX and
16 Co2 emissions like that, we're actually in a process of looking at it. We're due to get
17 pricing from them, I'd say within the next month. I'm a little reluctant to be the first one
18 out of the chute. Cavant has thirty plants in the United States. My approach would be to
19 look at it, understand the technology, let them retrofit a couple of plants and make sure
20 that it does what it says it's going to do which I think is going to be pretty prompt and as,
21 according to them.

22
23 Councilmember Berliner,
24 I would be grateful if you would send to us the proposal so that perhaps we could assist
25 you in your judgment with respect to how soon to move with respect to this matter. I
26 appreciate your professional judgment is not to be first. There are times when it is
27 appropriate to be first. This may not be one of them. It depends on the nature of the
28 guarantees that are provided to back it up. So I would, as one member of the Council,
29 would appreciate seeing the details with respect to the proposal and any contractual
30 guarantees et cetera that would be provided with that.

31
32 Dan Locke,
33 Okay.

34
35 Councilmember Berliner,
36 My second question if I could at the appropriate time would turn to the Gude and Oaks
37 Landfill.

38
39 Council President Praisner,
40 I don't think we're there yet.

41
42 Keith Levchenko,
43 That's the next item I think.



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1 Council President Praisner,
2 That would be the next item?

3
4 Keith Levchenko,
5 Yeah, that's the subject of a Capital Project Amendment.

6
7 Council President Praisner,
8 Okay.

9
10 Keith Levchenko,
11 We will take that up shortly.

12
13 Council President Praisner,
14 Alright, are there any questions on the Draper Barn and Ponds at Site 2? Any questions
15 on the refuge collection contracts? Any questions on --.

16
17 Councilmember Leventhal,
18 Yeah, I guess just very briefly.

19
20 Council President Praisner,
21 George, I'm sorry.

22
23 Councilmember Leventhal,
24 When, okay negotiations are ongoing. I guess that's as much of an update as we need
25 right now. When the question, when the contracts come up again obviously the issue of
26 fuel costs will be much on the agenda in those negotiations between the haulers and
27 the County.

28
29 Dan Locke,
30 Yeah, we are negotiating right now for a possible fuel adjustment for the current
31 contracts and without a doubt when we come up for the new procurements they will all
32 include fuel adjustments.

33
34 Councilmember Leventhal,
35 So it's being negotiated.

36
37 Council President Praisner,
38 I just want to make a comment about that. It seems to me that to the extent there are
39 fuel adjustments associated with refuge collection contracts, if they are not written into
40 the contract or already the question is about that in the future contracts but it also
41 seems to me that it raises an issue of other contracts where folks outside of DPWT,
42 where folks are concerned about our lack of consideration of escalating costs and we
43 hold firm with existing contracts. So I'd like to see us face these issues in a equitable
44 and uniform way when we have existing contracts in the future.



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1
2 Dan Locke,

3 I know that was a big concern of CRC and procurement. The one thing that's a little bit
4 different about our collection contracts is they bid a price that's good for five, up to
5 seven years so it's a little different than a one or two year obligation. They buy into it for
6 the long haul.

7
8 Council President Praisner,

9 Well, there are some contracts that are five years though and --.

10
11 Unidentified,

12 Your point is well taken.

13
14 Council President Praisner,

15 --they don't get an inflation adjustment or a gasoline adjustment and do those contracts
16 go down if the cost goes down? That's the questions associated, just in a contractual
17 basis issue. Equipment replacement. Are there any questions I guess? Outreach?

18
19 Unidentified

20 More is better.

21
22 Council President Praisner,

23 Anything anybody wants to say about that? Hazardous waste hours. Okay, you wanted
24 to get to the charges question, is that --.

25
26 Councilmember Leventhal,

27 On hazardous waste I had a very useful and helpful exchange with Eileen and I guess
28 I'd like to ask her to share it with all Councilmembers because I'm getting increased
29 questions from the community about, you know, we're all so conscious about energy
30 conservation and there's some misperception out there about mercury in fluorescent
31 light bulbs. So all you need do Eileen if you could is just recirculate to all of us the
32 information so that we're all prepared to answer the questions which I'm getting from
33 multiple constituents and I'm sure my colleagues are too. That is, we're all encouraging
34 people to get rid of the incandescent bulbs to go to the fluorescent bulbs but there's
35 trace amounts of mercury in the fluorescent bulbs and there's a concern about
36 landfilling them but at least from the exchange of messages that you and I had, it's not a
37 very pressing concern and I think I just want you to share that information with my
38 colleagues.

39
40 Eileen Kao,

41 I'm trying to remember the exchange.

42
43 Councilmember Leventhal,

44 (multiple voices) Not right now. Just get—.



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1
2 Council President Praisner,
3 No I think he wanted it in writing.

4
5 Councilmember Leventhal,
6 Yeah, you and I communicated and Eric Kauffman also communicated so if we could
7 just get an answer, not now, to circulate to colleagues about is there a reason for
8 concern with respect to land filling of spent fluorescent bulbs and the issue also is what
9 can individuals do who want to recycle spent fluorescent bulbs? They have to be
10 delivered to the Shady Grove facility because curbside won't work because they shatter.

11
12 Councilmember Leventhal,
13 Alright. If we could just get a memo about that for Councilmembers.

14
15 Council President Praisner,
16 Can we move on to the solid waste charges? Is there something Keith you want to or
17 Councilmember Ervin want to comment on?

18
19 Keith Levchenko,
20 There's a chart showing the charges on page 20 of the packet. And I think this, Mr.
21 Leventhal's question earlier, this would be the appropriate time to talk about the
22 charges.

23
24 Councilmember Leventhal,
25 Great. Okay. Well, the concerns has been raised, I've heard concerns about the very
26 sizable increase in commercial charges and I just want to, it is counterintuitive to me, I
27 raised this in Committee and we didn't get an answer and I don't know if we have the
28 answer now, that there actually is less commercial gross floor area in the County than
29 there was before. I mean, I'm trying to avoid taking a cheap shot here but we heard so
30 much about the explosive growth in our commercial sector and it would appear that that
31 is not the case according to this data. That's counterintuitive. I would think that there
32 would be more gross floor area, not less. That's point one, it seems counterintuitive and
33 point two is why would we assume the same service need if there's less gross floor
34 area? Why, what we're doing is we're raising the rate, according to this memo, based on
35 the assumption that the costs are the same and to cover those costs on fewer gross
36 floor area, we are raising the rate. But if there were indeed fewer gross floor area, which
37 I'm skeptical of, if there were indeed less gross floor area, wouldn't there be less service
38 need? Wouldn't we be generating less garbage in those square feet?

39
40 Keith Levchenko,
41 Sure. (multiple voices) We did get a response from the department that is attached to
42 the packet.

43
44 Councilmember Leventhal,



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1 Right.

2
3 Keith Levchenko,
4 Which talks about the gross floor area issue which is a number that we get from the
5 State Department of Assessment and Taxation.

6
7 Councilmember Leventhal,
8 Right.

9
10 Keith Levchenko,
11 It's not a number generated by solid waste.

12
13 Councilmember Leventhal,
14 Right.

15
16 Keith Levchenko,
17 So, certainly I'm not familiar with the permutations that went into last year's number and
18 the permutations that have gone into this year's number. It does seem somewhat odd
19 that the numbers are down. I assume though that because the numbers are down
20 marginally there's not much in the way of savings you are going to get from that. But in
21 order for the fund to capture the dollars it needs to balance that reduction, you have to
22 have an increase. Okay, and then secondly, there is a rate stabilization component
23 within the fund and this cuts across more than just the commercial charges. The
24 department works across a six year period in order to stabilize rates. And so during
25 different years pieces of the, some of these charges in essence are paying the fund and
26 some are getting money back from the fund in different years to balance that out. And
27 this year the commercial charges are actually paying a bit out for that so that's a second
28 component of why those charges are going up.

29
30 Councilmember Leventhal,
31 And does this rate stabilization smoothly and evenly affect everyone in the same way or
32 are there lurches in rates at any given, one time to make up for six years of inattention.

33
34 Keith Levchenko,
35 Well, I, go ahead.

36
37 Dan Locke,
38 No, it's done by sector and it's done on a continuous basis. In other words when we
39 prepare our budget for 08 we use our rate stabilization to stabilize 08 and rates going
40 forward, it's done every year and it's done separately by sectors.

41
42 Councilmember Leventhal,
43 So, you think it is fairly distributed across sectors?



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1 Dan Locke,
2 Uh-huh.

3
4 Councilmember Leventhal,
5 Okay, and then I guess the last question would be, was any effort, I've done the
6 calculation here on the increase in the tip fee and it's about a 7% increase in the tip fee
7 and yet we're having an 8.9% increase in the commercial charges, was there any
8 thought given to evening those out since the one, an increase in the tip fee causes a
9 decrease in the base system benefit charge? Was there any thought of trying to level
10 out the increases this year somewhat more to share the burden between the two rather
11 than having so much of a higher increase in the base system benefit charge?

12
13 Dan Locke,
14 That's a good question. You get into the technical aspect of the fund and how the rates
15 were set. And I can bring, I have got our rate setter in the audience I can bring up here
16 to answer that for you. It will be quite a long answer I think.

17
18 Councilmember Leventhal,
19 Well, as with the question on fluorescents, why don't you get back to me with a written
20 answer?

21
22 Dan Locke,
23 Sure.

24
25 Councilmember Leventhal,
26 Before we go --.

27
28 Dan Locke,
29 It's pretty complex. (multiple voices) It affects everything.

30
31 Council President Praisner,
32 And I actually would like further information on what actually the State Department of
33 Assessment and Taxation is using to classify commercial area because I think that may
34 be an issue for further conversation with the comptroller if we are not clear or at least
35 we want to understand what data is within that.

36
37 Councilmember Leventhal,
38 If we're collecting less taxes than we think.

39
40 Council President Praisner,
41 Whatever.

42
43 Councilmember Leventhal,



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1 If you think the assessable base is going down and it actually isn't, it'd be worth knowing
2 that.

3
4 Council President Praisner,
5 But we need to know.

6
7 Councilmember Leventhal,

8
9 Yeah. We need to know.

10
11 Council President Praisner,
12 We need to know how they're related. Okay, lets move on. Refuge tip fees, recycling tip
13 fees, refuge collection fee, leaf collection fee and that would complete solid waste.
14 Councilmember Knapp.

15
16 Councilmember Knapp,
17 Sorry, I just, last year we made modifications to the beauty spot in Poolesville. The year
18 before that we'd done it in Damascus. I think that Damascus has gone off pretty well
19 without a hitch. I just wanted to get a quick follow up as to where we are with
20 Poolesville. I still get periodic phone calls and if I show up anywhere near the
21 Poolesville – this time of year I get lots of constituents with comments. I just wanted to
22 get a sense from your perspective, how you think it's moving and if there's been any
23 increase dumping and anywhere along various side roads or anything that you've seen
24 to date.

25
26 Dan Locke,
27 No, we see the material's down as we expected. The recyclable material that we tried to
28 scare away from there is down.

29
30 Unidentified
31 Good.

32
33 Dan Locke,
34 I don't think there's been any appreciable increase in illegal dumping. We talked to DEP,
35 not within the last couple of months but we followed up, you know, as we had spoken,
36 after that action we had followed up about every month with them and there was no
37 appreciable increase.

38
39 Councilmember Knapp,
40 Okay.

41
42 Dan Locke,
43 I think there are still some gripes.



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1 Councilmember Knapp,

2 There are still many gripes. You know, the biggest issue is it's just the size of many of
3 the properties that are out there and just the scale maybe, I know I talked to someone
4 just the other day who's going to drop by, drop some stuff off and someone said well,
5 just put all the stuff out, you know, at the front of your property. He goes, I just cleared
6 five of twenty-five acres, I'm not sure you really want to just have me dump it out front
7 but there are things like that. But if you haven't seen anything, I'd urge you to continue
8 to, especially kind of during this spring just continue to monitor the illegal dumping
9 activity just because likely frustration as people take things there as this continues to get
10 put in place. But I appreciate your monitoring and welcome any feedback. Thanks.

11
12 Council President Praisner,

13 Councilmember Ervin, we will move to the next item, I believe.

14
15 Councilmember Ervin,

16 Item 10. Solid Waste CIP Amendments. Two points that I want to cover. Transfer station
17 improvements, the first one, which is to move the yard trim processing facility to the
18 closed GudeLandfill located in an industrial area. The second one is landfill gas to
19 energy facilities, \$7.5 million funded with solid waste disposal funds to purchase new
20 infrastructure for the Gude and Oaks Landfill sites. Includes an agreement with the
21 Northeast Maryland Waste Disposal Authority to operate the sites. Total electricity from
22 both sites will equal the consumption of 2300 homes. DPWT expects to receive 600 to
23 800,000 in offsetting revenue per year which would provide payback in approximately
24 10 to 15 years, less if electricity prices continue to increase and we can go through that
25 item with -- .

26
27 Council President Praisner,

28 Well, I think what we will do is see if there are any Councilmember questions. You have
29 covered it beautifully, I think. Councilmember Berliner, questions?

30
31 Councilmember Berliner,

32 Thank you. My question goes to the note on page 2. One, I do appreciate the
33 significance of this and the value of it. I was among those that asked why it was that we
34 basically had this gap of almost two years where we're not generating any revenue with
35 respect to this. I understand that the previous contractor pulled the plug but I quite
36 frankly don't understand why it's taken us this long to get a replacement contract that's
37 close, so I would appreciate given the lost revenue associated with that.

38
39 Unidentified

40 Sure. I'm going to ask Peter Karasik to talk about that because we have been working
41 hard and we've had a couple of failures to tell you about.

42
43 Councilmember Berliner,

44 Okay. I've never had those, so you know, that why I --.



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1
2 Council President Praisner,
3 If you could identify yourself again Peter.

4
5 Peter Karasik,
6 Sure. Yeah, I'm Peter Karasik with Solid Waste Services. We had actually three
7 different negotiation attempts for privately funded gas to energy facilities. We had a first
8 company that had come in, Bentech, had been overly optimistic on what they would get
9 in IRS tax credits and had also underestimated the period of time for permitting and
10 other types of regulatory processes. They went bankrupt in the process of trying to
11 develop a project out at the Oaks Landfill. We had another company come in, Pepco
12 Energy Services and they provided a contract which was essentially unacceptable to
13 our Procurement Office and the Office of the County Attorney and we struggled with
14 them for about a year on that agreement.

15
16 Councilmember Berliner,
17 And could you give a little detail as to why it was unacceptable? Are we talking terms or
18 we talking financing? What was it that was unacceptable? I just want to make sure that
19 it wasn't, if you will, a bureaucratic we can't figure out how to do this as opposed to that
20 the terms were unattractive.

21
22 Peter Karasik,
23 I think the government is largely risk adverse. They like to maintain control of
24 assignment of contracts. They like to maintain the right to terminate for convenience.
25 These are things that are very unattractive to someone who's going to put up millions of
26 dollars to build a facility.

27
28 Councilmember Berliner,
29 Yeah.

30
31 Al Roshdieh,
32 Let me just add this that the issues that Mr. Karasik is bringing up, I think we would
33 need a County Attorney or Office of Procurement to respond to that. I think we should
34 not predict or at least assume what was the reason.

35
36 Council President Praisner,
37 Well, I think that then makes it possibly a closed session item or possibly an individual
38 Councilmember conversation item not for here at this --.

39
40 Councilmember Berliner,
41 I would appreciate the appropriate follow up then.

42
43 Al Roshdieh,
44 We will do that.



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1
2 Councilmember Berliner,
3 So, that, we can fast forward to the last one which was this one.

4
5 Peter Karasik,
6 On this one, we're proposing a publicly funded project. It takes care of a lot of the
7 hurdles we ran into in the past with risk allocation and funding and that type of thing. We
8 think that this is the best model to move forward, to have a County owned project and to
9 pay an operator and to give them a revenue incentive of, you know, a percentage of the
10 revenues that go forward.

11
12 Councilmember Berliner,
13 Okay, that's the piece I need a little more explanation on and again we can do this
14 separately. I don't want to bore my colleagues but I don't know how it is or why, I need
15 to understand more, if we're putting up the dollars, I want to know why we're sharing
16 revenues and with respect to it.

17
18 Peter Karasik,
19 Well, I think having a percentage of revenue sharing is very optimal for the County in
20 making sure the contractor maintains the facility in top condition, maintains all the
21 equipment operating at its peak capacity and again it's a good incentive to keep the
22 facility as very well maintained.

23
24 Councilmember Berliner,
25 Okay I will be interested in the percentage that is given for this incentive if you will.

26
27 Council President Praisner,
28 Well, this Councilmember has some questions about that. If we have to turn over money
29 to people to make sure that they comply contractually with what their obligation, then I
30 have a little problem too.

31
32 Councilmember Berliner,
33 Well, the model typically is the reverse which is that the--.

34
35 Council President Praisner,
36 Yes.

37
38 Councilmember Berliner,
39 That they put up the capital investment in return for the revenue. It, this is a new model
40 to me that we put up the dollars and we give them money to make sure that that which
41 we're paying for is run well. So, I think we do need to understand how much we're
42 talking --.

43
44 Al Roshdieh,



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1 Yes, we will provide you with that information.

2
3 Council President Praisner,

4 Well, I would actually like that information before we go forward with this issue.

5
6 Al Roshdieh,

7 Yes.

8
9 Council President Praisner,

10 Because I'm not sure that I'm there at this point, so.

11
12 Councilmember Berliner,

13 And I assume that that's why, we're talking about something that if it works
14 appropriately, will generate between \$1.3 and \$1.8 million a year as I read this on page
15 4 that that's what our revenue projections are at current electricity prices and --.

16
17 Unidentified

18 That's gross revenue right?

19
20 Councilmember Berliner,

21 That's gross revenue. And that the total gross dollars expended with respect to this is
22 \$7.5 million. And yet we are projecting a payback of "15 years". So obviously one.

23
24 Keith Levchenko,

25 Well there are costs to maintain, to running the equipment on the site and maintaining
26 the site and ensuring the methane captured and, I mean, that's work that to some
27 degree, solid waste has to do now with their staff. Yeah, this would be done by the
28 contractor. And I guess what, sounds like what you want is the scope of work for what
29 the contractor would be doing.

30
31 Councilmember Berliner,

32 I want to understand, do we have --.

33
34 Council President Praisner,

35 I think we want to understand the details of the contract from a standpoint of what's the
36 contractor is doing, what the costs are, what the obligations are associated with the
37 contractor and what the risks may be to the contractor.

38
39 Unidentified,

40 It seems like we are absorbing the risks.

41
42 Dan Locke,

43 Well we, the attractive thing about this that, we own the facility.

44



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1 Councilmember Berliner,
2 Yeah.

3
4 Dan Locke,
5 And after we have it built, started up and operating, we have an operator in place that
6 we can, if they misbehave, perform poorly, whatever, we can get rid of them and get a
7 new operator essentially at no cost. They won't have any stranded costs, anything like
8 that.

9
10 Councilmember Elrich,
11 Why not just operate it ourselves?

12
13 Dan Locke,
14 We don't have the technical expertise.

15
16 Council President Praisner,
17 Well, I, rather than going to lengthy details here, I think there's more information that
18 individual Councilmembers want on this issue so if we can provide that, it would be
19 helpful.

20
21 Dan Locke,
22 Yes, we will do that.

23
24 Council President Praisner,
25 Council Vice-President Knapp.

26
27 Councilmember Knapp,
28 Just a quick question as it relates to the, and it roll into the broader answer to get back
29 to us, I know you are meeting with the Laytonville community I believe in two weeks to
30 discuss this with the community, are there any elements of this that are contingent upon
31 the community actually saying anything because I know there's some specific
32 requirements or is that meeting really just to let people know that we are doing
33 something differently but we're not looking for real feedback from them. Or we don't
34 need feedback from them, it's just to let them know there's going to be a different
35 operator and a little bit different process.

36
37 Peter Karasik,
38 -- a mediated agreement with the Oaks community that was signed back at the time the
39 landfill opened.

40
41 Councilmember Knapp,
42 Right.

43
44 Peter Karasik,



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1 And it has some fairly general wording about saying the property, you know, should
2 return to agriculture uses so, again, the meeting is largely for full disclosure of our
3 activities there.

4
5 Councilmember Knapp,
6 Right. So that's not expected, there's nothing there that can really derail this as an
7 issue.

8
9 Peter Karasik,
10 No. We're not expecting it, but it's certainly their prerogative to go back to that
11 agreement and raise issues.

12
13 Council President Praisner,
14 Councilmember Berliner, last question on this item.

15
16 Councilmember Berliner,
17 Quick follow up was I think I saw where we're talking about the possibility of selling the
18 natural gas, excess natural gas, did I see that in here?

19
20 Keith Levchenko,
21 Well, I think the models you're looking at generally are electricity production but in
22 theory because it's methane gas you could choose to use that as its own energy source
23 as opposed to converting to electricity but I guess they can speak more to what they're
24 seeing from --.

25
26 Councilmember Berliner,
27 Okay, I just needed to understand the relationship of --.

28
29 Dan Locke,
30 Yeah, when we --.

31
32 Councilmember Berliner,
33 Surplus gas here to--.

34
35 Dan Locke,
36 Well, when we went out for bids we advertised essentially, we have two landfills that
37 create methane gas.

38
39 Councilmember Berliner,
40 Right.

41
42 Dan Locke,
43 And we looked for real creative approaches how to A, keep that methane out of the
44 environment and B, turn it into cash.



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Councilmember Berliner,
These are good things.

Dan Locke,
One of the options that came up was a direct use plan where we actually brought a lengthy pipeline over to South Lawn Lane and fueled, I think there's furnaces and kilns and stuff over there. We went through and evaluated the electricity production versus that direct use and electricity production came out on top, essentially what it amounts to.

Councilmember Berliner,
So, we're not going to have surplus gas someplace that?

Dan Locke,
No, we would, kind of a minor detail, at the -- Landfill we run the flare in conjunction with a motor.

Councilmember Berliner,
Yeah.

Dan Locke,
To help burn some of the low quality gas that's there.

Councilmember Berliner,
Are we going to continue to be flaring?

Dan Locke,
A small amount at the Gude, yes.

Councilmember Berliner,
Due to the quality of the gas.

Council President Praisner,
Okay. I think that completes the solid waste discussion and the CIP Amendment discussion. We will now move to the Department of Environmental Protection. I'll go back to Councilmember Ervin.

Keith Levchenko,
Could I just confirm on that previous item that the Council is comfortable with the Transfer Station Improvements Project but has some further questions about the landfill to gas before --.

Council President Praisner,
Correct. Before approving it.



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1
2 Keith Levchenko,
3 Finalizing that.

4
5 Council President Praisner,
6 Okay.

7
8 Councilmember Ervin,
9 Okay, we're moving onto item 11, Department of Environmental Protection.

10
11 Council President Praisner,
12 Welcome folks to the table and I think I'm going to do what I was supposed to do all
13 along and ask everyone at the table to introduce themselves so that we have your
14 names since we're televising. Fariba, if you want to start and have the others I'd
15 appreciate it.

16
17 Councilmember Ervin,
18 Okay, Department of Environmental Protection, I'm going to go through my --.

19
20 Council President Praisner,
21 Well, wait Valerie, let's have them introduce --.

22
23 Councilmember Ervin,
24 Oh, you're going to introduce yourselves.

25
26 Council President Praisner,
27 Themselves.

28
29 Councilmember Ervin,
30 Okay.

31
32 Fariba Kassiri,
33 Fariba Kassiri, acting DEP Director.

34
35 Council President Praisner,
36 Okay, over here, we'll start over here.

37
38 Trudy-Ann Hunter
39 Trudy-Ann Hunter, OMB.

40
41 Stan,
42 Stan, with Environmental Protection..

43
44 Millie Souders,



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1 Millie Souders, DEP.

2
3 Steve Shofar,
4 Steve Shofar.

5
6 Beryl Feinberg,
7 Beryl Feinberg, OMB.

8
9 Council President Praisner,
10 Okay, back to you Councilmember Ervin.

11
12 Councilmember Ervin,
13 Thank you very much. This is a small department with a big mission. And I'm going to
14 go through the bullet points that the Committee discussed. First is FY08 budget up 3.5%
15 work years unchanged. The most significant change in the Water Quality Protection
16 Fund is the phase in of MCPS's stormwater management facilities. The discussion, the
17 Committee will continue its discussion of stormwater management techniques in the
18 future which includes the impact of low impact development, preventive source
19 techniques versus downstream restoration and offsite retention facilities. We are asking
20 that DPWT brief the Committee this year on how the street tree program is being
21 managed and implemented now that it's back in DPWT. The Committee wishes to take
22 up the relevant pieces of Mr. Berliner's global warming initiative and focus on measures
23 the County can take versus those being implemented regionally via the Council of
24 Governments and federal requirements. I'll turn it over to Mr. Levchenko.

25
26 Council President Praisner,
27 Okay. Let's see if Fariba has any comments she wants to make first. Any introductory
28 comments? No? Oh, I'm sorry, your mic is not on.

29
30 Fariba Kassiri,
31 We have a number of very interesting and actually very challenging initiatives that were
32 introduced by County Council. We are ready to tackle all of them. I believe that's it.

33
34 Councilmember Ervin,
35 Thank you.

36
37 Council President Praisner,
38 Okay, we're going to do the same thing with this department that we just did with solid
39 waste. We will go page by page and see if there are any Councilmember questions or
40 comments. You have the overview and the budget summary. I think lead
41 Councilmember Ervin has already highlighted the structure and issues so if we can go
42 to budget items.

43
44 Keith Levchenko,



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1 I would suggest, on the General Fund side there's very little change, that they're
2 highlighted on page four of the packet and I think we can get through that very quickly
3 and then focus on the Water Quality Protection Fund.

4
5 Council President Praisner,
6 Right.

7
8 Keith Levchenko,
9 Where there are more significant changes.

10
11 Council President Praisner,
12 Okay.

13
14 Keith Levchenko,
15 On the General Fund side, other than a lot of your technical adjustments, the
16 department is requesting some additional dollars for the gypsy moth survey and
17 suppression effort. And this relates, the suppression especially relates to the fact that
18 you have a bit of a bell curve occurring over time with gypsy moth issues and this is
19 their best estimate now as to what they will need for next spring for gypsy moth
20 suppression. So, and this is not, this is as much an art as a science so this is something
21 each year the Council has to assume a certain amount because it's too late in the year
22 to do supplementals by the time we know the actual amount. And that's, on the General
23 Fund side that's about it. There's not a lot of significant change from the prior year.

24
25 Council President Praisner,
26 I think I will hold my comments until we are done. Go ahead Keith. I see no other lights
27 on that.

28
29 Keith Levchenko,
30 On the Water Quality Protection Fund I've got a summary of the changes there on page
31 six of the packet. As Ms. Ervin mentioned, we have the phase in of the MCPS facility
32 maintenance that was discussed at the Committee. It was also discussed in the
33 Education Committee as part of the stormwater management supplemental that was
34 also at public hearing earlier this afternoon. That had to do with bringing up, bringing the
35 facilities up to a current standard and then there would be a phase in over time as they
36 are inspected and confirmed to be up to standard, they would be, the structural
37 maintenance responsibilities would move to DEP from that point forward and the money
38 would be funded within the Water Quality Protection Fund for that.

39
40 Council President Praisner,
41 I want to raise the questions that I raised earlier about this issue. I need to have a
42 greater comfort level of the definition of what standard we are bringing things up to from
43 a standpoint of the standards that exist and what may have been done from a water
44 quality and a water volume issue.



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Keith Levchenko,

It's the standard of what the facility itself can do if optimally maintained. Not, if the facility is undersized, this will not address the under sizing of the facility. That would require a retrofit project that is not part of the scope of this work or phase in. But if the project is intended to do X or if the facility is intended to do X, then the, bringing it up to the standard is to ensure that it does what it was designed to do.

Council President Praisner,

So where does the issue of problems with it not working to capture the water quantity as well as the water quality flow if the facility is inadequately sized or inappropriately sized.

Keith Levchenko,

It would depend on --.

Council President Praisner,

Or doesn't respond and if we accept and shift it now, does that relieve the school system of its obligations that may be associated with that?

Steve Shofar,

The improvements to the facilities is something DEP would evaluate throughout the County and decide which facilities provide the best benefit and make those changes and prioritize them. So the changes that the school is making now is, as he said, just to get them up to speed and once they come into the program they would be considered as part of the rest of the facilities.

Council President Praisner,

My question still relates to what up to speed means.

Steve Shofar,

It means as to, as they were designed, to as built condition, whatever that condition.

Council President Praisner,

So, if they were inadequately designed or improperly designed, then we have to live with the problem, is that it?

Steve Shofar,

We would prioritize the facilities and correct them as we saw the priorities.

Council President Praisner,

And how would the same situation be treated if it were a private sector, HOA or other private entities issue?

Steve Shofar,



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1 We would bring it up to as built condition and then take it over and then improve it as we
2 saw, as it fit into the priorities within the County.

3
4 Council President Praisner,
5 And how have we determined the extent of school system funding or support or
6 obligations now from a current or a previous basis in their budgets or in their staff
7 support for the existing facilities right now?

8
9 Steve Shofar,
10 I'm not sure. Could you rephrase the -- .

11
12 Keith Levchenko,
13 You mean, what is MCPS doing now? Well, on a structural maintenance standpoint,
14 there's nothing in their budget for that. They do it on a reactive basis as problems are
15 identified.

16
17 Council President Praisner,
18 Well, but they, would they be coming to us for a supplemental each time or would they
19 have been absorbing it within projects or with nearby schools, et cetera?

20
21 Keith Levchenko,
22 Well certainly a lot of these bigger projects, retrofit projects would be done as part of
23 additions or modernizations at the school. And that's generally, if you have an
24 undersized facility, unless you have a significant problem you're trying to deal with, as
25 long as the site is able to manage with the undersized facility, from a cost standpoint, it
26 makes sense to wait until you're doing major construction work to upgrade the
27 stormwater management facility as well. If there's a major problem then on a case by
28 case basis MCPS would have to decide whether to seek funding to deal with that
29 problem on their site. I think the question that's a good one with regards to moving
30 forward with the understanding between the two agencies is, if a facility is taken over by
31 DEP but is found to have a significant problem that needs to be addressed sooner
32 rather than later, who provides the resources for that? Is it done out of the Water Quality
33 Protection Fund or is it done out of a school renovation, school site project? And that's
34 something --.

35
36 Council President Praisner,
37 My point being that to some extent the question then becomes whether it's eligible for
38 state funding if it's part of a modernization project or renovation project as opposed to
39 coming out of this fund or County coffers exclusively and the other question is the extent
40 to which there are personnel or staff time or maintenance or otherwise associated with
41 these facilities and MCPS.

42
43 Keith Levchenko,
44 As I said, there's no structural maintenance.



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1
2 Council President Praisner,
3 Well, but how about ongoing maintenance?

4
5 Keith Levchenko,
6 Yeah, the regular maintenance they would still be responsible for once the structural
7 maintenance is phased in to DEP. They would still be responsible for trash collection,
8 grass cutting, landscaping, things like that.

9
10 Council President Praisner,
11 And that's all they're doing now anyway, is that what you're saying?

12
13 Keith Levchenko,
14 Exactly.

15
16 Council President Praisner,
17 Okay. Councilmember Elrich.

18
19 Councilmember Elrich,
20 I'm a little puzzled about the last bit of questioning because if we don't get enough
21 money from the state anyway, for all things we're eligible for, so we wind up funding
22 stuff ourselves, does it really matter where we assign it to if we are going to write the
23 checks either way? I mean, if I spent more money, if I spend less money because it was
24 eligible for the state then I would spend more of my money doing something else that
25 the state's not funding or if --.

26
27 Council President Praisner,
28 Well, but if you're looking at what we're eligible for whether it's reimbursement later on
29 or a Capital Budget project where the costs can be incorporated within that, we may or
30 may not get funding for it but it's a true up cost of the costs of that facility and the needs
31 of that facility and it should be shown there, not in a General Fund perspective. And at
32 some point one might want to see the state assume its obligations in a way, you know,
33 that identifies what the costs of the projects are.

34
35 Councilmember Elrich,
36 I'm assuming we're at that point right now. -- moving past that .

37
38 Council President Praisner,
39 Well, I don't know.

40
41 Keith Levchenko,
42 Right now, of course our eligibility is far greater than what we're getting from the state.

43
44 Council President Praisner,



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1 But there are times when that's not true.

2
3 Keith Levchenko,
4 That hasn't always been the case.

5
6 Council President Praisner,
7 Right.

8
9 Keith Levchenko,
10 That has not always been the case.

11
12 Steve Shofar,
13 If the school is going through remodeling they would then go through the permitting
14 process and have to upgrade their stormwater as part of that process.

15
16 Council President Praisner,
17 Right and I just wanted to make sure, to the extent there are other pots or sources of
18 revenue that may be associated, the absorption of this responsibility by DEP does not
19 minimize the eligibility for or eliminate the eligibility for a school system project to
20 incorporate upgrades et cetera in that project. There are times when we ran out of
21 projects to seek state funding for and/or there are times when there are smaller projects
22 that are more likely to get funded in systemic kinds of issues that the state will fund
23 more rapidly than they would a whole new school in which case this is money that
24 somebody else will get for their jurisdiction that I want to make sure we still can get. So I
25 want to make sure that does, whatever structure and process we put in place doesn't
26 eliminate the opportunity for that to be considered a state eligible project.

27
28 Fariba Kassiri,
29 Madam Chair, if I can add a comment. Regardless of the costs associated with this, the
30 transfer of these facilities was fully supported by the cooperative work of Clean Water
31 Taskforce. We're going to come back to you with our report very shortly. We have four
32 major recommendations and this happened to be one of those recommendations
33 supported by Stormwater Partners--.

34
35 Council President Praisner,
36 I understand from an environmental perspective and from an initiative to focus on
37 getting stormwater improvements. I want to make sure from a technical perspective at
38 the state level this doesn't eliminate the eligibility for us to receive as a systemic or a
39 small project or a big project eligibility for state funds. That's the only point.

40
41 Unidentified
42 Alright.

43
44 Council President Praisner,



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1 Okay.

2
3 Council President Praisner,
4 Anything else in the Water Quality Protection Fund if you want to move to that?

5
6 Keith Levchenko,
7 Well, there's some discussion in the packet about the ongoing LID work and other water
8 protection activities. Some of which was started in FY07 and it's going to continue into
9 FY08 and the committee had some extensive discussion about that. I think the Council
10 just needs to be aware that work is ongoing and as the acting Director mentioned, there
11 was a lot of discussion within the Clean Water Taskforce, also with the private
12 stakeholders outside of government including the Stormwater Partners Coalition that
13 participated actively in a lot of the Taskforce meetings and will be working with DEP
14 closely on a lot of these initiatives. The one note I do have in the packet that was not
15 discussed at the committee that is the one that DEP raised with staff was some
16 additional language they would like to see in the appropriation resolution that would give
17 them an additional tool within the Water Quality Protection Fund for a rebate program
18 for LID development. Basically, if we are going to be doing programs involving private
19 property DEP wanted to have some flexibility as to how to incentivize private owners to
20 do LID type activities. One approach would be a rebate or subsidy. Other activities
21 might require easements and things like that. DEP just wants to keep their options open
22 as to how best to do that. Staff felt that was reasonable but the, in their discussions with
23 the County Attorney they felt it was important to have that distinguished explicitly by the
24 Council in this language so it was clear going forward. Since the law itself is silent on
25 this. To the degree we update the law in the next couple of years we can take care of
26 that but in the meantime this is the most efficient way to take care of that and give them
27 the flexibility for that.

28
29 Council President Praisner,
30 The question I have is the extent to which we might want to look at a list of modifications
31 to the law, both here and its relationship at the state level with a variety of things.

32
33 Keith Levchenko,
34 I know DEP has a number of, laundry list of items that they're considering for future
35 discussion with the County Attorney and the Executive that would include this certainly
36 but also different aspects of the existing Water Quality Protection Fund and who's
37 covered and who pays and how much.

38
39 Council President Praisner,
40 Well I think in the who's covered, how much et cetera the question of residential unit
41 and how you calculate that and the range of ways in which this needs to be looked at,
42 the issue of imperviousness et cetera are issues that I think and/or locations if we can
43 look at those issues. I'd like to have us look at those. Okay. I see no lights. So, can we
44 move to the next item?



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Keith Levchenko,

I believe that was it in terms of the specific issues. I just would note that the actual fee for the Water Quality Protection Fund charge is part of the annual resolution that the Council approves which the Council will take up next week. But obviously the committee in its discussions here brought it up as part of this and so I just noted in the packet their support for the Executive's recommended level of \$25.23 per equivalent residential unit which is the same as in FY07.

Council President Praisner,

Okay, anything in the General Fund revenues or lapse, turn over or civil citation questions that folks have? Yes, Councilmember Berliner.

Councilmember Berliner,

I just wanted to, I would like to have a brief conversation with respect to --.

Council President Praisner,

Is your mic? Yeah, your mic's not on.

Councilmember Berliner,

With respect to the civil citation top of page 11, I see that our fine levels were last updated in 1991. That they are currently at \$500 for the first offense and \$750 for the second offense. And with the greatest respect, if we were talking about, I believe that we're talking among other things about air quality sets of issues and the notion that we haven't updated these civil penalties in over 16 years seems to me to be inappropriate.

Council President Praisner,

Well, the issue of the Class A fine and what it is is an issue that we can look at comprehensively but as has been our experience and I'm glad the judge is here because we've had this conversation in the past, the two of us, as has been our experience when we tried to increase the fines for parking in fire lanes and in handicapped spaces, often folks, the higher the fine is folks go to court and they get them reduced and so we found ourselves passing what we thought was the hammer and not necessarily having it hit the mark. So, that's an issue that we, I think at some point, need to have in an informal conversation with the court system, not today. I'm not going to subject Judge Harrington to that issue but she and I have had a bottle of water discussion, not a cup of tea, but we, I think it is an issue that we need to have a conversation with the courts from a standpoint of our goals versus their activity and what happens in the court system.

Keith Levchenko,

The other issue is it's not specific to DEP, those Class A fines --.

Council President Praisner,



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1 It's a Class A fine.

2
3 Keith Levchenko,
4 Obviously cut across multi-departments.

5
6 Council President Praisner,
7 That's what I meant.

8
9 Keith Levchenko,
10 And I know (multiple speakers) the Council had asked that very question several years
11 ago and at least at that time there was not much interest on the Executive side to
12 pursuing increases across these multiple areas. Certainly that can, it's something to be
13 brought up again. But it is broader than just DEP.

14
15 Councilmember Berliner,
16 Thank you for that clarification.

17
18 Council President Praisner,
19 I want to make a comment about the special protection area and the fee and the issues
20 associated with monitoring SPA and water quality. I think the question and I want to
21 formally and publicly thank representatives from DEP and others for their involvement
22 and participation in the work group that I put together associated with the upper pay
23 branch. And there are recommendations that have come out of that that we are now
24 working on to try to legislate where they are legislative. But I think the issue of tracking
25 water quality, whether it's Anacostia or Northwest Branch or Upper Paint Branch or any
26 of the others is a major issue and I'm anxious to work with Councilmember Ervin as
27 we've discussed on looking at these issues because they're, whether it's stormwater
28 runoff or just stream erosion and water quality issues, there's a lot for us, I think, to look
29 at. Some of it an impact of development but not all of it. And there's much that needs to
30 be done. Sure, go ahead.

31
32 Councilmember Berliner,
33 -- done with this packet, I just wanted to turn to the top of page 15. I appreciate that my
34 office and all of us will be working you with respect to many of the initiatives that we
35 hope will emerge. In my conversations with you in the past with respect to the timing of
36 the inventory, it had been at the latest the summer and now I am looking at hopes to
37 complete by the end of FY07. Talk to me guys. Are we talking fiscal year, so we're
38 talking July, we're not talking end of the year.

39
40 Steve Shofar,
41 We hope to complete by end of fiscal year 07. Yes.

42
43 Councilmember Berliner,



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1 Okay, that's why I wanted to make, I wanted to make sure. Thank you. (multiple voices)
2 FY calendar, I got it a little, I wanted to make that sure we're on track here.

3
4 Steve Shofar,
5 Just so you appreciate our challenge, the discussion we had earlier about the vehicle
6 inventory from DPWT.

7
8 Councilmember Berliner,
9 Yes.

10
11 Steve Shofar,
12 That's a piece of that inventory, of the overall greenhouse gas inventory we're doing.
13 And that's within the County government?

14
15 Councilmember Berliner,
16 Yes.

17
18 Steve Shofar,
19 So, that's, in theory, those are the easy statistics for us to collect.

20
21 Councilmember Berliner,
22 Yes.

23
24 Steve Shofar,
25 So we also have to get a lot of that and it's external for the County government. So this
26 is a, our target is the end of FY07 but it is a significant challenge.

27
28 Councilmember Berliner,
29 Okay.

30
31 Steve Shofar,
32 We're trying to meet it.

33
34 Councilmember Berliner,
35 I would just ask that you do everything you can to meet it.

36
37 Steve Shofar,
38 Right.

39
40 Councilmember Berliner,
41 Because, to the extent to which some of our initiatives of course are pledged to certain
42 levels of reductions, it is important to know what our base is in order to know how
43 ambitious we can be with respect to our reductions.



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1 Steve Shofar,

2 We will certainly keep you updated on our status of that and we can jointly decide
3 whether there are points at which we want to make assumptions and, you know,
4 provide--.

5
6 Councilmember Berliner,

7 And I would also say that I had initially given consideration to creating an Office of
8 Sustainability and I was convinced by my colleagues that creating an office was not
9 necessary but I will say to you it is my hope that your department will be the lead driver
10 with respect to this across the County and across the government to ensure that we
11 meet and do what we need to do with respect to this. And I know in the past, there's
12 been a great deal of frustration that you've had the responsibility but without the
13 authority. And my hope is that we can ensure that you have both going forward.

14
15 Council President Praisner,

16 I just have two other comments. One relates to the grant appropriation and the
17 miscellaneous provision. My understanding of the funding that Prince George has
18 received and shared with us was there's reason why it was spent in the Anacostia water
19 shed because of its co-interest of Prince George and Montgomery County. I would hope
20 to the extent we have these grant funds for rebates for businesses that we start first in
21 the Anacostia area otherwise I think it's inconsistent with where we're trying to go.
22 Secondly, there is not enough Montgomery County Government and Montgomery
23 County Government partnerships with private sector either nonprofits or community
24 groups to apply for the Chesapeake Bay grants, the regional grants. We have slowed
25 down too much in applying for those grants and in leveraging and accessing those
26 grants. It's getting to be time again and I would hope that we would be more aggressive
27 in that area. There are a host of projects that I think the community is engaged in
28 whether it's invasive plants and awareness of special protection area issues or variety
29 of projects to understand the water shed. We are going to be meeting, in fact they'll be
30 meeting Thursday and Friday with the Chesapeake Bay Commission. And there is an
31 effort to impress upon the governors that more focus needs to be at the local level as
32 well as more resources. And I would hate to see Montgomery County not ready to move
33 aggressively on some of these initiatives. So I hope that we can look at that from both
34 incentivizing the community and energizing ourself about possible grant applications.

35
36 Steve Shofar,
37 Okay.

38
39 Council President Praisner,

40 There's some really neat ideas out there that other communities are doing and I hope
41 we can do more of. We're a gold community but I think we need to reaffirm that.

42
43 Steve Shofar,



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1 May I speak to both of those things, the \$42,000 grant money that's shared with Prince
2 George's County, all that is targeted for the Anacostia.

3
4 Council President Praisner,
5 So, the rebate would be for the businesses in the Anacostia.

6
7 Steve Shofar,
8 Yes. The businesses in the Anacostia water shed. Absolutely.

9
10 Council President Praisner,
11 You may want to add that word, those words to the resolution.

12
13 Steve Shofar,
14 Okay. And secondly, with respect to the public and private partnerships and obtaining
15 grants, we have an ongoing effort, accelerated effort now about interacting with
16 residents and businesses around a lot of environmental issues. We have new staff
17 devoted to that. We're going to hire, our new outreach person will be starting and
18 focused a lot on that and one of our big pushes will be trying to get funds and actions
19 collaboratively between the government and the private sector so that's a big push.

20
21 Council President Praisner,
22 Okay, with that, storm drains, last item, CIP. Any comments and any comments from
23 the Councilmembers?

24
25 Unidentified
26 I support.

27
28 Council President Praisner,
29 Councilmember Ervin, any comments you want to make?

30
31 Councilmember Ervin,
32 No, but before everybody gets up from the table I just want to say how much I
33 appreciate the new and improved DEP and I really want to thank you all for doing all
34 that you're doing, working with the community. I know this has been a challenging time,
35 it will continue to be more challenging but you have been rising to the occasion. I really,
36 really appreciate everything you're doing. So, thank you. Do you want me to go ahead
37 and --.

38
39 Council President Praisner,
40 Just make a couple of comments and we'll see if there's any modifications, otherwise --.

41
42 Keith Levchenko,
43 This is a DPWT managed project so we do have some staff that need to switch seats
44 here.



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Councilmember Ervin,
Right. Thank you.

Council President Praisner,
Well, by the time it takes them to switch seats we may be done. The question was
whether --.

Councilmember Ervin,
Yeah, I have two quick bullet points --.

Council President Praisner,
Go ahead.

. Council President Praisner,
Two quick comments.

Councilmember Ervin,
Two quick ones. First of all, this question keeps coming up and I'll just answer it up
front. The town of Chevy Chase pays the County storm drain tax and the County is
responsible for maintenance of and improvements to the storm drain system within the
town. The total cost of the project is \$1.8 million for evaluation of 14 drainage areas and
physical improvements of four areas funded entirely with GO Bonds. DPWT staff
reported the current situation is a public safety hazard because of the flooding and
possible collapse of the existing storm drain system, hope I captured that correctly.
Thanks.

Council President Praisner,
Okay, absent any other comments we are moving approval of that item or at least
accepting at this point and we will move on then to Criminal Justice overview. Thank
you all very much and I believe that the Committee Chair wants to flip a little and take
the Circuit Court first so Judge Harrington if you want to come forward.

Councilmember Andrews,
Right.

Council President Praisner,
Seems fair.

Councilmember Andrews,
Right.

Council President Praisner,



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1 Yeah. We're going to 5:30. That's my goal. That's what we have 5:00 so we're going to
2 go to 5:30 with, and the Committee Chair's goal and mine is to try to get through police
3 in this time period too.

4
5 Councilmember Andrews,

6 As well. Okay, thank you everybody, Madam President. We have Judge Harrington with
7 us from the Circuit Court and Pam Harris as well. There are many items before us
8 today. We have a criminal justice system and it's important to think of it that way. So,
9 what we're likely to do with the police budget this year in approving the new officers for
10 patrol is likely to have some impact on the Circuit Court in terms of the number of filings
11 and work for them and that will in turn effect corrections which will in turn effect the
12 sheriff. So, it's all connected. It's not all connected the same way but it's interrelated and
13 you need to think of it that way. One of the, there are two major things I want to focus on
14 with the Circuit Court budget because it's essentially a stay the course budget with a
15 couple of significant changes. One is the Adult Drug Court is moving out of the Circuit
16 Court to HHS. A very important program, it's going well but it's not going to be in the
17 Circuit Court next year although it will involve Circuit Court personnel. And the judges
18 from the Circuit Court have done a great job in making it work. It's very inspiring to see
19 the results and the court taking on and the offenders who are coming in, who are the
20 hard cases, being quite successful and turning their lives around and getting on the right
21 course and it's a tribute to the judges' hard work and the work of those who are working
22 with the people in the Drug Court and the Drug Court participants themselves who have
23 had to work hard to get through. But the two things I'd like Judge Harrington to address,
24 and then after we do the Circuit Court we're going to go back to the criminal justice
25 overview and then to the police, is to talk about the problem with CNA cases, Children
26 Need of Assistance cases in terms of the state's low payment for that and then also the,
27 I want to really have the Council hear about the importance of the Judicial Center Annex
28 to the future of the Circuit Court and the provision of justice in Montgomery County so
29 that it's delivered in a constitutional way. So, Judge Harrington if you'll address the
30 Council of those two issues and anything else you'd like to talk about.

31
32 Council President Praisner,

33 Yeah, Judge Harrington, before you begin you need to introduce yourself as we've just
34 done for the cameras but also I wanted to congratulate you on being named one of
35 Maryland's top one hundred women as well.

36
37 Judge Ann Harrington,

38 Thank you very much. It was a real honor to be there last night and it was an honor to
39 share the stage with Nancy Floreen who was also honored and I must say Montgomery
40 County was very well represented in that group so I think it was a wonderful night for the
41 County and thank you.

42
43 Councilmember Andrews,
44 Congratulations.



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1
2 Judge Ann Harrington,
3 Thanks very much. Ann Harrington, I'm the Administrative Judge of the Circuit Court.

4
5 Pam Harris,
6 Pam Harris, Circuit Court Administrator.

7
8 Council President Praisner,
9 OMB want to comment?

10
11 Mary Beck,
12 Mary Beck, OMB.

13
14 Council President Praisner,
15 Thank you. Judge Harrington, do you want to respond on the CNA issue?

16
17 Judge Ann Harrington,
18 Thank you and I never travel without Pam because she's our historical knowledge. She
19 makes sure what I'm saying is correct. And I liked your comment Mr. Andrews about the
20 justice or even the justice system being organic. Because it's absolutely true. Where
21 one agency expands it affects all the others. We operate under a case management
22 system and we try to meet case standards that have been established by all the courts
23 in the state of Maryland under the supervision of the Administrative Office of the Court.
24 And it's a mission that's coming down to us through the vision of Chief Judge Robert
25 Bell, Chief Judge of the Maryland Court of Appeals. For juvenile cases we have set the
26 time standards by which these cases should be completed in the system at the statutory
27 limits. The statutory limits obviously have been set by legislature and its wisdom but
28 they are in many ways I would say, dated in that they were put into effect at a time when
29 perhaps juvenile offenses were not nearly as serious as they are today and they are
30 very short. The time limit to take a child through the delinquency system is 30 days if
31 they are detained and 60 days if they are not. And if you have a child who was charged
32 with committing a serious offense that involves DNA analysis or other forensic evidence,
33 it's not possible for the court to meet that time limit because the supporting agencies,
34 the DNA lab cannot possibly turn that around and reports have to be given to the
35 respondent's counsel and this is sort of how it goes. On the CNA side, which is the
36 neglect and abuse side, there are also statutory deadlines by which these cases should
37 be through the system. There are also protections that have been put in place that are
38 absolutely necessary. There has to be an attorney appointed for any child that the
39 County files a petition against. The Public Defender has to come in for both parents and
40 obviously if there are more than one parent participating, they're conflicted out of one
41 and have to look to a panel to find an attorney to represent the other. The Social
42 Services is present in the case. The County Attorney is present in the case. And around
43 the table in the courtroom you have probably at least four attorneys and other
44 professionals for each case. The bar that represents the children in CNA cases is



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1 determined by a contract that the state of Maryland gives and Pam has really specific
2 information on it but it was recently led again for three years. In the past where there
3 were three vendors that bid on this contract, this year there was only two. So rather than
4 expand the bar that was available for the appointment to represent children in CNA
5 cases, it was actually contracted. These attorneys are overwhelmed. They also are not
6 necessarily local attorneys. Two of them come from Baltimore and their schedules
7 simply don't always allow us to meet the deadlines that are legislatively and by our case
8 standards imposed on us and we are trying every strategy that we can think of to try to
9 meet this problem. We are basically trying to independently expand the bar. We've got
10 retired Judge McHue who was the Chief Judge at the Juvenile Division when he was
11 with us. He's agreed to come in and basically lead a CLE program to try to train
12 attorneys who are going to volunteer in exchange for the training to be available for
13 appointments to represent these children when the contract attorneys are conflicted out.
14 We're really contractually prohibited from bringing new people into the mix because the
15 state has let the contract to these two vendors. But if they are conflicted out then I think
16 we can use this volunteer group of attorneys to come and basically expand our base.
17 We are flexible in our scheduling. It's not a court time or judicial time issue. It's really the
18 supporting agencies and the professionals that need to be involved and the very serious
19 nature of these cases and the amount of work they have to put in it and the case load.
20

21 Councilmember Andrews,
22 What's the pay that the state is providing per hour?
23

24 Judge Ann Harrington,
25 Well, it, anecdotally, it's described as being about \$30 an hour based on their time. They
26 are paid a set amount per child. Now if the case has no issues, it may be a fair amount
27 of payment but these cases usually have a lot of issues and if it goes to, past the Child
28 in Need of Assistance to an actual termination of parental rights, effectively those
29 attorneys become pro bono. And we're not supposed to publicly say what the amount is
30 because these --.
31

32 Councilmember Andrews,
33 My colleague to my left grimaced when he heard that.
34

35 Judge Ann Harrington,
36 Two contractors bid on it but it's under \$1,500 per child.
37

38 Pam Harris,
39 I'd be happy to provide Council with the contract amounts.
40

41 Councilmember Andrews,
42 Right.
43

44 Pam Harris,



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1 We just think it's better because of the way the contract is written not to announce it.

2
3 Councilmember Andrews,

4 Okay. Alright. So, we're surmising that the state's low rate of payment on average for
5 these cases is affecting the ability to find lawyers to take them on.

6
7 Pam Harris,

8 We think so since we went from three vendors to two.

9
10 Council President Praisner,

11 It seems to me that this again is another issue that we might want to look at from a
12 legislative priorities issue, some is legislative, some is not legislative but we do need to
13 look at this issue. And it is about time for the County to submit through Melanie
14 recommendations and suggestions for the Maryland Association of Counties and I can't
15 imagine that other jurisdictions or at least the larger ones aren't facing similar issues.
16 They may not have the magnitude but I suspect there are some who have even greater
17 magnitude here and the extent to which we want to develop some kind of legislative
18 priorities around them responding to what's been there but not acted on et cetera. I
19 think we need to look at this issue.

20
21 Judge Ann Harrington,

22 The large jurisdictions all share this same issue.

23
24 Council President Praisner,

25 Sure.

26
27 Councilmember Andrews,

28 Okay. Lets spend about five minutes or so on the Judicial Annex. Because that's a, the
29 estimated cost of that is 120 to \$170 million. Okay. And we have 40 million budgeted for
30 it at this point in the CIP. So this is a huge item that is currently under funded by a large
31 degree but that is a pressing need in order to have enough courtrooms for the workload
32 that is expected to occur and is complicated and made more urgent by the fact that the
33 16 courtrooms that are in the Judicial Center now are going to need to be reworked
34 because the whole HVAC system in the Judicial Center needs to be replaced and has
35 to be done so apparently all at once. Which means you're going to need to have a
36 building in place with courtrooms so you can move them out efficiently and keep the
37 system of justice going while the ones in the Judicial Center are updated. So, take it
38 away.

39
40 Linda McMillan

41 Could I just say this is a part of your actions that you need to take as part of agenda
42 item 16.

43
44 Councilmember Andrews,



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1 Yes.

2
3 Linda McMillan

4 And, so as you're listening to this if we could then --.

5
6 Councilmember Andrews,
7 Right.

8
9 Linda McMillan
10 Have a Council action on that recommendation?

11
12 Councilmember Andrews,
13 Right.

14
15 Council President Praisner,
16 If we can kind of deal with it now in that context, I think one, we can get the benefit of
17 Judge Harrington's comments but also we can move through this. As I told folks I know
18 the police are waiting. We want to finish at 5:30.

19
20 Councilmember Andrews,
21 Right. The Judicial Center Annex is the last item in the list of amendments in packet 16.

22
23 Judge Ann Harrington,
24 When the Judicial Center opened in 1980, it had 15 courtrooms. It's now been
25 expanded to 17 courtrooms and our building is filled and entirely utilized. Our bench is
26 now at 21 judges so we have three of our judges sitting in District Court space and in
27 one courtroom over there that is actually a Circuit Court courtroom and then we have
28 our last judge at the top of the red brick courthouse and those four judges are hearing
29 primarily Juvenile Court issues but not entirely. So we're operating out of three locations
30 which has complicated every aspect of what we do. Particularly through providing
31 security and access to the building and the convenience of parties and witnesses and
32 professionals and attorneys moving throughout to try to handle these cases. It's
33 obviously severely impacted our efficiency, I can give you an example that just occurred
34 today. Judge Mary Beth McCormick who's in the juvenile rotation was to hear a CNA
35 case that resolved. So she became available to do a jury trial. We moved her over to,
36 she's working out of my chambers in the courtroom where I sat and I moved my cases
37 into a conference room where I can go on the record but in order to be able to
38 effectively utilize we play this sort of merry-go-round game every day to try to maximize
39 basically what the taxpayers have asked us to do and have provided generous support
40 so that we can. So we are very anxious and have been for the last ten years looking at
41 the prospective needs of the judiciary and we were going to expand, we have expanded
42 what we are going to need in 2015 and 2025 so we want to do everything we can to
43 help you and provide you with the information that you need so we can pursue our
44 annex.



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Councilmember Andrews,
Okay --.

Judge Ann Harrington,
Anything I can do.

Council President Praisner,
Well, the, I think the key point here is that this is a lot of money. It is not the projects that we hear so much about. Just like we have public radio systems of millions of dollars that we are talking about. The court needs. We don't often hear about. And we've just talked about the roads and the facility planning issues. There's a lot of Capital Budget costs waiting out there in the wings that is overdue in some cases when we hear about and yesterday we heard about Montgomery College. So, keep that in mind as we look at both the Operating Budget and the Capital Budget. Councilmember Elrich.

Councilmember Elrich,
This is something that concerned me. My first reaction is what would we have done if we were building an addition? Because, I mean, the idea that we've got a busted air conditioning system or heating and air conditioning system that requires the total shutdown of the building in order to repair is mind-boggling. And I doubt if, in fact, will we stay with 16 courtrooms that we would shut down and not do any cases nor do we not repair the system if it actually broke so, I mean, it seems to me that there may be and we ought to really pursue any other creative solution that addresses that because this is, you know, sort of like driving this project and this is what's driving this into the \$170 million range and we're going to wind up with more courtrooms than we need.

Councilmember Andrews,
Actually though the cost of the new building is 120, 170 million. The building itself, the new building costs that much.

Councilmember Elrich,
Yeah, but that's bigger than what it would need to be.

Councilmember Andrews,
What's driving, part of what's driving the urgency is the need to --.

Council President Praisner,
Is the HVAC.

Councilmember Andrews,
To replace the HVAC system in the Judicial Center.

Councilmember Elrich,



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1 But the total numbers of spaces is more than we need to go to. I mean, we'll wind up
2 with 32 courtrooms as I understand it.

3
4 Linda McMillan,

5 Well it was one of the discussions that the committee had so I would just say that, since
6 I know we're short on time, the amendment that's before the Council is to shift money
7 from FY and this is on page 7 of packet 16, but it shifts money from FY08, 09 and 10
8 into FY11, a total of about \$5 million is shifted and the committee had a discussion with
9 the Executive Branch because they were concerned that that much of a shift meant
10 there might be some kind of a delay in moving forward with the analysis and the
11 planning for the project. And the committee, as you'll see on many of these items in
12 packet 16 was told this was for fiscal reasons and it didn't slow down the planning of the
13 project. And Mr. Elrich asked, you know, to have more discussion about the planning
14 and the models and we did agree, the committee did agree that they wanted to come
15 back and do more but the amendment that you actually have today is a shift for fiscal
16 capacity reasons and the committee was told it would not cause any delay in the current
17 schedule of how things are moving forward.

18
19 Council President Praisner,

20 Let me just say that the Council was informed about the impacts of the HVAC as a
21 separate piece of the issue but the additional space and that kind of talk related to the
22 urgency and the timing issue but the courtroom issues and the space issues were there
23 before.

24
25 Linda McMillan,

26 Yes.

27
28 Councilmember Elrich,

29 I think this has magnified what we are going to wind up doing as a result of having to
30 move 16 courtrooms out and over.

31
32 Linda McMillan,

33 Well, I think that, and the committees can come back to this, but I think that the question
34 is whether, what is being contemplated so that the court can move and keep operating
35 might in fact be more than we might have done if you could fully use the existing
36 Judicial Center while the HVAC was being fixed.

37
38 Councilmember Elrich,

39 Right.

40
41 Linda McMillan,

42 And so, I think it was clear that there's room for a lot more discussion about what the
43 options are that DPWT was looking at.



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1 Council President Praisner,

2 Well, I think the questions that Councilmember Elrich is raising need to be answered but
3 the question is, do they need to be answered today in relationship to the funding actions
4 and the amounts and the dates of that actions and amounts.

5
6 Linda McMillan,
7 Right.

8
9 Councilmember Elrich,

10 But if I could say, the one thing I think we need to look at is if we really have to go in this
11 direction, what's the most efficient use of the site and does it make sense to do some
12 kind of private public partnership where we can maybe recoup some of our costs in
13 doing this out of a project that's a littler bit larger in scope and obviously this would have
14 to fit with what Rockville would have in mind since we are in the middle of Rockville. I
15 would think that we would, you know, be considerate of what, you know, other issues
16 are around here but it seems to me that a project of this scope is certainly beyond what
17 we had contemplated and might offer, at the same time, an opportunity to do something
18 that might recover some of those costs and I think it's worth looking at, since we have
19 got some time, something other than just simply replacing the building.

20
21 Council President Praisner,

22 I think there are a variety of things that are being looked at in the context in the MFP
23 Committee's discussions of the Rockville core questions which relate not just to the
24 courthouse needs but also to County government needs in general in the Rockville
25 area. Not necessarily, and I think the item you add that's new, is private public
26 partnerships although that issue did come up in a tangential way in the past, but the
27 issue of how much space we need in the core including the court space issues are
28 ongoing points that we have talked with a whole host of folks about. I don't think there's
29 anything else from that perspective but I think that Councilmember Elrich's
30 encouragement for creativity and broadening the scope is already, I want to assure him,
31 already on the table as part of this process.

32
33 Councilmember Andrews,

34 Okay. Let me see if Hamid from DPWT wants to comment on this and then we're going
35 to need to wrap up quickly and move to the police department.

36
37 Hamid Omidvar,

38 Not specifically to what's in the agenda but I want to assure the Council that we have
39 already heard that we have to go back and one more time look very hard into any
40 creative method that we could possibly employ to renovate the courtrooms so that we
41 do not have to provide excessive number of courts. If 2020, for example, is the date that
42 we want to go by then we do not have to build more courtrooms just because of
43 renovation purposes. So in that case we are working as you're speaking on those and
44 we are trying, we think we are finding creative methods to do that which will reduce the



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1 size of the annex, if you will, to a certain degree. However, the need, the requirement as
2 was explained, is there. And by no means the end result is going to be close to what is
3 currently in the PDF. It would be still be in that range that we put in the PDF.

4
5 Council President Praisner,

6 Okay, and as I said we will have plenty of conversation. There are other options that we
7 are looking at. So I think the point is well taken and absent any further need on the
8 dollars and the PDF associated with that item, any other comments for Judge
9 Harrington and otherwise that budget is reviewed and accepted at this point. Thank you
10 very much. Sorry to keep you waiting.

11
12 Councilmember Andrews,

13 Thank you Judge. Thanks Pam.

14
15 Council President Praisner,

16 I am going to propose that the Criminal Justice overview be three minutes.

17
18 Councilmember Andrews,

19 Okay, let's do it. Here we go. Pull out item 13, please. Do this in three minutes. Okay,
20 what we're taking up today, we took up Park Police the other day, whenever that was.
21 Now we are doing Police in Circuit Court and if you look at Circle 1 you will see that,
22 we're looking, just to give you a sense of how the budgets have changed and how the
23 crime rate has changed over the years, if you look at Circle 1 in your packet of packet
24 13, you'll see that in FY90 we had a budget for County funded Criminal Justice agencies
25 of \$110 million. The projected budget now for those agencies is \$338 million, to get a
26 sense of the growth in the budgets tripling in 15 years, 16 years. If you look at the work
27 years they have gone from 1850 to 2940, work years are up about 55%. If you go to
28 Circle 2 you'll see that the crime rate actually is significantly less now per 1000
29 population than it was in 1990. 1990 was really the height of crime in the last 30, 40
30 years in terms of the rate. It's down about 25% from 1990 in terms of the rate per 1000
31 people. But it has started to creep back up in the last couple of years although it's still
32 less than it was in 2005 but the last couple of years we have seen increase and that's
33 primarily been in robberies in the, in terms of part one crimes in police and that's our
34 most serious concern right now in terms of serious crime, or crime against persons at
35 least. Continuing the theme that this is all connected in terms of the agencies driving
36 each other's budgets to some degree, if you look at Circle 3 you will see that there was
37 a significant spike in the average daily population of Montgomery County Correctional
38 Facility last summer that began in May, June and peaked in October where we had an
39 increase of about 110 in the average daily population in the jail which was the biggest
40 increase since the facility opened and it was the biggest increase in the system in many
41 years. The Director has been working with others to figure out what happened there.
42 They haven't quite pinned it down yet but in the meantime the average daily population
43 has come back down to about what it was before it increased sharply. If you look at
44 Circle 5. We dealt with that. Lets go onto Circle 6 and 7. Homicides, we continue to



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1 have very few homicides in Montgomery County. 15 last year. Only two of which were
2 stranger on stranger homicides. So that's a remarkable number when you think of it in a
3 county of almost a million people, we had only 2 homicides that were stranger on
4 stranger. But again, robberies is the big concern. There were 538 street robberies in
5 2006, 164 involving a gun and pack robberies which are robberies involving four or
6 more suspects have increased significantly in the last couple of years and there were
7 about 140 or 50 of those last year and that was a significant increase from the year
8 before. So that's a big concern. And then it's important to note the continuing
9 devastation caused by traffic. We had almost 7,000 people injured in traffic collisions
10 last year in the County and approximately, there were about 4800 collisions that
11 resulted in injuries and there were about 6700 people involved in those collisions that
12 were injured. And that's been fairly constant but that's a very large number and that's
13 why we're putting so much emphasis on speed cameras and traffic enforcement, safe
14 driving, pedestrian safety, all that. It's a continuing problem and it doesn't always get as
15 much attention as it deserves because it hasn't changed that much. We tend to notice
16 changes more than continuing problems. That's a quick summary of the Criminal Justice
17 Overview.

18
19 Council President Praisner,

20 Well done. Just two comments. One, I think the overview approach that shows us
21 different agencies or departments perhaps may be easier from a public safety
22 perspective but I believe it shows the model of ways in which we need to look at a
23 variety of departments in the future and not just the public safety area. And secondly, I
24 would like a final tabulation of the cost of the sniper trials and the sniper incarceration et
25 cetera in Montgomery County by department over whichever fiscal years it is laid out
26 but, sheriff, corrections, police, courts, State's Attorney Office. I'd like that broken out.
27 We had asked for it before and I'd like to see what the actual final is. Councilmember
28 Ervin.

29
30 Councilmember Ervin,

31 Thank you Councilmember Andrews for your overview, it was very instructive and I also
32 want to say to Ms. Praisner's comments I really appreciate an overview of how all
33 agencies interconnect including the school system, you know, it's been interesting for
34 the last few months, we've been having sessions in the ED Committee and there is, I
35 believe, a correlation between those numbers of young people and the spike in the
36 Juvenile Justice System in terms of who is being arrested, how old they are and the
37 correlation between those numbers of children who are either dropping out of school
38 and by the way, the school system now has to report those numbers in a different way
39 due to a change in state law which we might actually begin to really capture how many
40 children are really dropping out of school and not that fuzzy math. And tracking really
41 the students who are being suspended and expelled and where those kids are ending
42 up. So I think it's really instructive for us to look agency-wide, county-wide at how all of
43 these points sort of intersect and I really appreciate that.



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1 Council President Praisner,
2 Okay, let's move to the Police Department Budget please.

3
4 Councilmember Andrews,
5 Right.

6
7 Council President Praisner,
8 We have about 15 minutes.

9
10 Councilmember Andrews,
11 Okay.

12
13 Council President Praisner,
14 And if we have to go over I'm going to take the other CIP items and move them to
15 another day. I don't know that we can. We'll see. I've been promised really fast before
16 and it doesn't necessarily deliver and I want to give the police department the time and I
17 said 5:30. So, unless, I think it would be better if we moved it to another day.

18
19 Councilmember Andrews,
20 Okay. Alright. Welcome everybody. This has been a very difficult time for the police
21 department with the loss of Officer Hoffman and we all share in the grief that they feel. I
22 want to acknowledge that there have been some changes in the police department that
23 we need to note. Assistant Chief King has been selected as the new Chief of
24 Gaithersburg City Police. Congratulations. We'll miss you and they'll enjoy you, so, and
25 Commander Davis has been selected as the new Assistant Chief and we look forward
26 to working with her. I wanted to mention one other thing and that is closure rates on
27 some significant crimes have been going up in the last year. Rape closures are up
28 about, actually 30% improvement in rape closures, 10% increase in robbery closures
29 and 10% increase in aggravated assault closures. So we're seeing some good progress
30 there and we have added detectives in the last couple of years which are helping with
31 some of that. The main element really in this budget is that it consists of, in year three of
32 the Chief's five year plan to get the police force up to where he believes it needs to be in
33 terms of staffing. This was done in response to a question of Public Safety Committee
34 two years ago and we are in the midst of the third year now. If this budget is funded as
35 proposed, it would mean that we will have added approximately 130 personnel to the
36 department in the last three years and this budget calls for adding 30 patrol officers to
37 strengthen that portion of the department. Previous additions have focused on
38 specialized units like K-9 and the PCAT Team, Police Community Action Team, the
39 special assignment team in the 6th District, the traffic units, beefing up the Central
40 Business District and robbery detectives and a few others. So, we're moving more now
41 to officers on the street which has been a recurring interest of Councilmembers. We
42 heard a lot of testimony about this at the budget hearings from people, particularly from
43 those representing the Regional Service Centers throughout the County that we need to
44 have more police presence in the CBDs and some other parts of the County and the



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1 Chief's proposal sent over by County Executive Leggett really addresses that directly.
2 The major thing I want my colleagues to take away from this session is the need to
3 balance out the academy classes. This is really important and this is going to be a key
4 item on reconciliation. What has been proposed is to have two classes for next year.
5 We've had two classes for a while and that's what we want to do. But the first class
6 would only have -- is it 35 in it, Linda? And the second class is proposed at 62 officers.
7 That's a problem for a couple of reasons. One is we don't get the officers on as quickly
8 as we'd like to because it's back loaded. And second the academy can't have more than
9 about 60 officers in a class and it will be difficult to recruit that many recruits under the
10 best of circumstances. And so even if the department is successful in recruiting that
11 many, that means there's no room in that class for sheriff's deputies or Park Police
12 Officers or Municipal Officers which also need to be filled. So, it's really important that
13 we balance this out and have two classes of roughly equal size as we have had for the
14 past several years. We've had about 45 officers in each of the classes, cadets in each
15 of the classes the last year. That's where we should be. And to do that will require
16 adding \$1.1 million to the budget in order to shift 13 officers from the second class, the
17 January class to the July class so we achieve that result. That's the single most
18 important thing I hope my colleagues take away from this discussion is the need to do
19 that and get that off the reconciliation list and into the full budget. That would make the
20 most difference of anything I think that we can do to influence this budget other than
21 improving the personnel that are proposed to be added to the department. Let me give
22 Chief Manger a chance to make some comments then open it up to questions.
23 Councilmember Ervin has a request for the reconciliation list which I think is an
24 important request. Chief Ricucci is here from the Takoma Park Police Department who
25 is a strong advocate of the C-Safe Program which has been in place for a while in the
26 Takoma Park Langley Park area and we'll talk about that and that's included at the end
27 of your packet. But, Chief Manger, would you like to make a few comments about the
28 budget?

29
30 Chief Tom Manger,

31 Thank you. Chief Tom Manger with the police department. In the interest of time, I'm not
32 going to make too many comments. I would just say that we emphasis that robberies
33 are the most pressing crime issue that we are dealing with right now and that we have
34 got some things in place that we're starting to hopefully see some reductions, if not
35 reductions in the overall numbers of robberies, certainly we're locking up more people
36 who are responsible for these robberies and that's going to take, start to have an effect
37 as we move forward. The issue that you bring up about the classes, all that you said is
38 true. We'll make it work either way. But everything you said is true about trying to
39 balance out the classes and we appreciate that issue. So in the interest of time I have
40 all my Assistant Chiefs here, we're prepared to answer any questions that the Council
41 may have.

42
43 Councilmember Andrews,



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1 Okay, let's see, I want to recognize, Nick Tucci from the police department. Nick, this is
2 probably your last session before the County Council. Nick has already officially retired I
3 think but is still here which we appreciate to assist and has been a tremendous resource
4 for the department for a long time. Big shoes to fill there. Alright. Are there any
5 questions about any of the individual items in the budget?

6
7 Chief Tom Manger,
8 If Valerie wants to go first with her --.

9
10 Councilmember Ervin,
11 Yeah, I just wanted to ask a question while we have everybody at the table and it is
12 regarding the C-Safe Grant. I just want to know what the crime statistics are for the
13 international corridor and why we really need to advocate really strongly for this \$30,000
14 in the reconciliation list because I'm really concerned if we don't get the money what the
15 impact on that area would be.

16
17 Chief Tom Manger,
18 Commander Davis has received a memo through Councilmember Ervin from
19 Commander Davis and from Chief Ricucci. Chief Ricucci, do you want to join us here up
20 at the table? Chief Ricucci is a former Deputy Chief of MCPD and former Chief of
21 Louisville and welcome back.

22
23 Chief Ron Ricucci,
24 It's good to be back.

25
26 Chief Tom Manger,
27 I'm going to let Chief Ricucci and Commander Davis answer some specific issues but I
28 do want to say that the C-Safe Program down there has done tremendous work. We are
29 very supportive of it. My hope is that we will find a way to make that continue. If you look
30 at where crime occurs in Montgomery County it's very specific, I mean, where crimes
31 occur and I know that the entire Council is aware of that. That is one of the areas where
32 we see a lot of criminal activity so any program and especially the C-Safe Program
33 that's been in place there I think is making a real difference in terms of addressing some
34 of the needs of the youth down there so we're very supportive and hopefully we can find
35 a way to make that continue.

36
37 Chief Ron Ricucci,
38 Thank you Chief. Although I've only been on the job for four months, the first thing our
39 Council asked me to look at was the C-Safe Program and within the first month I went
40 before them and supported the program and have evaluated it and we have, our
41 Council has agreed to allot 15,000 to support the program next year. We apologize in
42 coming late with this request but we have tried to exhaust all grants and the grants
43 supplied in the past were unable to provide this year and we just got this information
44 within the last, probably last 60 days and we were going to the very end hoping to get



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1 some other areas which have not come up. The C-Safe Program is a program that has
2 been going on for five years. It's a collaborative effort between Montgomery County
3 Police, Prince George's County Police and the City of Takoma Park and it has been
4 successful and it's making a difference. But I was asked to identify what I thought in our
5 jurisdiction was our number one priority and where our number one problem areas and
6 it obviously alarms us, the crime it is down and we are making a difference working with
7 the community. It's all the agencies, the State's Attorney, the parole and probation, the
8 three police departments down there working together and it's making a difference but
9 we have to continue this effort to stop now what obviously is – impact crime further. As
10 the Chief said it is an area where crime is occurring but we are starting to make a
11 difference with all the departments working together and I think it's an example and it's
12 something for, there's nowhere else in the state where you have got this many agencies
13 working together. It is making a difference and we need to continue it.

14
15 Councilmember Andrews,

16 In the interests of full disclosure, I have to mention that Chief Ricucci hired me to be the
17 – Director for the County Police Department so I have to respect his judgment.

18
19 Council President Praisner,

20 In the interest of full disclosure, then District Commander Ricucci and I shared many an
21 afternoon on Castle Boulevard marching for National Night Out. So, just want to be fully
22 disclosing. There are several lights. Councilmember Elrich and then Councilmember
23 Leventhal.

24
25 Councilmember Elrich,

26 I can just speak from several years experience on the Takoma Park Council and the
27 reaction of the police and the community to the C-Safe Program and that was very, very
28 highly regarded. We made efforts to try to replicate the program on the District side
29 because we felt people felt it was working so well on this side. The real issue and the
30 problem down is the multiple jurisdictions coming together at literally one point and the
31 need to actually coordinate activities and coordinate intelligence and all of the other
32 things that they have been able to successfully do down there that I think have been a
33 real benefit to the city and probably to all three jurisdictions so I'm very strongly
34 supportive of this program.

35
36 Council President Praisner,

37 Councilmember Leventhal then Councilmember Floreen.

38
39 Councilmember Leventhal,

40 Thank you Madam President. It sounded to me and my colleagues can correct me if I'm
41 wrong as though Councilmember Ervin was moving the 30,000 to be placed on the
42 reconciliation list for the C-Safe Program and that Mr. Elrich was seconding that. Did I
43 get that right?



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1 Unidentified
2 Something like that.

3
4 Council President Praisner,
5 Actually, unless there's an objection I'm going to put these things on the reconciliation
6 list.

7
8 Councilmember Leventhal,
9 Right, very good.

10
11 Council President Praisner,
12 Just note for folks that in order to move things off the reconciliation list there must be
13 revenue on the other side.

14
15 Councilmember Leventhal,
16 Right and, --.

17
18 Council President Praisner,
19 So, I hope we can look at deferrals and eliminations with the same enthusiasm.

20
21 Councilmember Leventhal,
22 Great, great. Just to clarify, it doesn't need to be placed, you know, before the Council. I
23 wanted to, first of all, Chief Manger, I join the Chairman in expressing our great
24 sympathy on the loss of Officer Hoffman. The Council President spoke eloquently at the
25 Council session immediately following the funeral and you spoke very eloquently at the
26 funeral and as you know, many Councilmembers were there and we want to
27 congratulate Assistant Chief King and we're going to miss him and we couldn't find a
28 better replacement than Commander Davis and what both of these senior officials have
29 in common is they are very responsive to me and I want to tell you and the Chief knows
30 this.

31
32 Council President Praisner,
33 Uh oh.

34
35 Councilmember Leventhal,
36 No, the Chief knows this, I mean, it means a great deal to me when I get a prompt
37 response to my email from a department on behalf of one of my constituents and the
38 police department has been absolutely in the top tier in terms of getting my constituents'
39 questions answered and Assistant Chief King and Commander Davis in particular have
40 just been very much on my good list in terms of answering my questions timely and
41 promptly and I'm very grateful for that so what I wanted to ask and we don't need a
42 detailed answer here, from time to time there are crime incidents that are so stunning
43 and perplexing and the event at the Derwood Day Labor Center is one. And I don't know
44 what you're able, and in the interest of time it may not be necessary for you to share



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1 with us a lot of information right now but I do just want to let you know that I'm really
2 perplexed and upset about that incident. I don't make any prejudgments or any
3 assumptions about it. I understand that the department still has it in its Arson Unit and
4 you can elaborate or not as you see fit.

5
6 Council President Praisner,
7 The fire I believe.

8
9 Councilmember Leventhal,
10 It's not in the Hate Crime Unit. But what I'd like to ask, and perhaps not now, is that I
11 and I would imagine other Councilmembers are kept very, very closely apprised of the
12 investigation into that. It was such a, really as I say, perplexing and unsettling incident.
13 And I'd just, I'd like to be kept apprised of the status of the investigation.

14
15 Chief Tom Manger,
16 Well, I think several Councilmembers have expressed that interest and we will certainly
17 keep the Council informed. It's a joint investigation at this point between police and fire.
18 It is being looked at as a hate crime.

19
20 Councilmember Leventhal,
21 I see.

22
23 Chief Tom Manger,
24 So we are looking at it from all angles. I wish I had some encouraging information for
25 you at this point. It's still very, it is a very active investigation. But there's not much I can
26 share with you beyond that. I will say that we have taken a number of measures to
27 prevent this from happening in the future though.

28
29 Councilmember Leventhal,
30 Okay. I appreciate that and you'll keep us apprised.

31
32 Chief Tom Manger,
33 Absolutely.

34
35 Councilmember Leventhal,
36 The other point I just wanted to make on behalf of the HHS Committee, I note that you
37 have \$50,000 budgeted for overtime for police personnel in libraries. We had a
38 discussion of the general issue of unruly young people in libraries in the HHS
39 Committee and the HHS Department, not the Library Department was looking at kind of
40 counseling troubled youth gang related approach to some of these young people and
41 the Committee was not persuaded that had quite the specificity that we wanted to see,
42 although police personnel, I think the Committee absolutely welcome and think is
43 appropriate so I just wanted to highlight for you. I think that's a discussion we're going to
44 need to have outside of the budget context about, you know, how do you really deal



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1 with unruly youth? It's a rising problem. It's, I guess my sense is it's more of a
2 disciplinary problem than perhaps the way the department was looking at it as a, I would
3 say a sociological problem. And so my interest is more on the police side of the ledger
4 although I'm willing to consider the other side. I just felt that what the department was
5 talking about was kind of touchy feely for what seemed to me to be a fairly simple
6 problem to address. If someone is acting up, you make them stop. But in any event we'll
7 have more conversation about that. And I appreciate that the police are acknowledging
8 the problem and I know that you're working effectively with the Library Department.

9
10 Council President Praisner,

11 Well, since that was raised, I will raise my point from my perspective and I don't have
12 the benefit of sitting on HHS or on Public Safety so it's an uninformed intuitive reaction.
13 We passed legislation a couple of years ago to deal with disciplinary issues and
14 challenges that folks have in public facilities and on buses. And I thought we were pretty
15 clear about the fact that if you're not behaving, you don't have a right to use the facility
16 or to ride the bus. So I'm troubled by the libraries which appear to be in the touchy-feely
17 area of not wanting to tell children and anyone, parents of those children or children that
18 the library is not available for inappropriate behavior and if you're not behaving
19 appropriately, you have to leave. And I also am a little troubled by having paid money
20 and created a security staff, why we are using overtime for police officers when there
21 are a myriad of other issues, including understaffing, understaffed at this point for a
22 variety of reasons that the police should be engaged in and if we can't appropriately use
23 security personnel where perhaps necessary or police called not sitting there waiting,
24 which I think raises another issue for the public that says we have to have police officers
25 in our libraries to keep them safe, that makes me wonder about whether we are
26 encouraging other folks to use the libraries. Maybe I take an old-fashioned hard-lined
27 approach but there is a responsibility to being a user of our public facilities and that
28 means behaving appropriately or leaving.

29
30 Councilmember Leventhal,

31 Yeah. Madam President, if I could just respond to that. You're correct that we have
32 Homeland Security personnel detailed to libraries and so I think these questions remain
33 unresolved and the HHS Committee will be looking at them and I too recall and we
34 discussed in the Committee, the ordinance that we passed that was supposed to
35 strengthen the ability, specifically of librarians and bus drivers, to deal with disruptive
36 behavior. So that's why I say, I think these matters remain unresolved. It's only a
37 \$50,000 item in the police budget so—.

38
39 Council President Praisner,

40 Well, but it's a, to me, it's a morphing and an expectation that next month may have us
41 coming back with money for recreation and other facilities and I think it's a policy issue.

42
43 Councilmember Leventhal,

44 It is.



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1
2 Council President Praisner,
3 That before you start expending overtime in libraries we need to have the broader
4 conversation and I'd rather have it outside of the budget.

5
6 Councilmember Leventhal,
7 And that's what I was, and we will have Madam President. I think we should go ahead
8 with this \$50,000 item, it's not a large item and it's in the budget. I am just exactly
9 acknowledging, I think there's some broader policy issues involved.

10
11 Councilmember Andrews,
12 Yeah. I think it's an unfortunate sign of the times and I had a chance to speak with a
13 number of the librarians at a couple of the libraries and they felt, they tried to use the
14 disorderly conduct statute and basically it didn't work and they needed to call in people
15 to assist with the people who were being uncooperative and would not respond. So, it's
16 unfortunate that there are enough people out there who just won't respond to a request
17 from a librarian to leave, you know, to behave or leave but it got to that point. There
18 were other attempts made prior to resorting to police calls.

19
20 Council President Praisner,
21 That still doesn't leave the, maybe I'll go sit in the library for a while.

22
23 Councilmember Leventhal
24 (multiple voices). They wouldn't mess with you Ms. Praisner.

25
26 Councilmember Andrews,
27 I think it's fair to say, it's not widespread at this point but it's a problem at a couple of
28 libraries.

29
30 Council President Praisner,
31 I'll take that as a compliment.

32
33 Councilmember Andrews,
34 And it's exacerbated by the location of a couple of the libraries.

35
36 Council President Praisner,
37 We do have Councilmember Floreen who wanted to comment.

38
39 Councilmember Floreen,
40 Thank you and I wanted to compliment the Committee and the department for its hard
41 work and also express my condolences on the loss of the officer. I just wanted to know
42 back to the beginning really about the speed camera program. I assume this is a
43 multiyear effort. Is that correct?
44



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1 Chief Tom Manger,

2 Yes. I mean, it'll go as long as the state --.

3
4 Councilmember Floreen,

5 But I mean in terms of locating additional cameras over time, is that, do you have a plan
6 for that? I'm familiar with the listing of locations. I think it's a great way to draw people's
7 attention to the speeding issues at a, in an approach that is unquestionable, to get a
8 picture of your car, it's going to be a difficult argument to make. But I'm wondering if
9 there are other, I'm guessing that you're going to be adding these at additional locations
10 over time.

11
12 Chief Tom Manger,

13 Yes and we have a very detailed plan for that. I mean, when we get a request from the
14 public, from a Councilmember or from anyone it will go on a list where we will do testing
15 on that roadway to see how serious the speeding problem is. We'll do a number of
16 different, we use number of different criteria to evaluate it. It will then go to a citizen
17 oversight panel who will make the final decision on where that roadway goes in terms of
18 a priority. I mean, we're going to take basically the worst places, the roadways where
19 we're having the worst problem and they will be the ones that we address. We will get to
20 all of them eventually. But what we're not going to do is, you know, set up one for a
21 couple of days in one location and then go to another one and go to another one. We
22 are really trying to change driver behavior. So we're going to hit a smaller number of
23 roadways, stay there until we actually change the driving behavior before we move onto
24 another roadway but we do have a very detailed plan in place as to how we are going to
25 evaluate those roadways and we'll get to them all eventually.

26
27 Councilmember Floreen,

28 So, you have an official process?. Is that going to be a request based initiative? I mean,
29 in terms of how you add locations to the program.

30
31 Chief Tom Manger,

32 Yeah. It will be, we'll add locations when we get requests from the public.

33
34 Councilmember Floreen,

35 It won't be based on your staff --.

36
37 Chief Tom Manger,

38 Crash data. (multiple voices).

39
40 Councilmember Floreen,

41 Everything.

42
43 Chief Tom Manger,

44 Yes.



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1
2 Councilmember Floreen,
3 Okay.

4
5 Chief Tom Manger,
6 Yeah.

7
8 Councilmember Floreen,
9 So we should be continuing to work on our own personal lists.

10
11 Chief Tom Manger,
12 Absolutely.

13
14 Councilmember Floreen,
15 As well.

16
17 Chief Tom Manger,
18 Yes.

19
20 Councilmember Floreen,
21 And get that information out to the community. I know the issue of how this operates
22 with respect to activity on state roads is not on the table at this point as I understand it. I
23 met with a number of people in the Town of Kensington last week and I gathered
24 different municipalities are taking some independent approaches.

25
26 Chief Tom Manger,
27 Yes.

28
29 Councilmember Floreen,
30 To this issue as well. I would draw your attention to the Kensington issue with speeding
31 on Connecticut Avenue and I know that some of the other municipalities whose
32 jurisdiction extends over the roadway are taking a more liberal view of their authority
33 perhaps. But I would urge some special attention be given to that.

34
35 Linda McMillan,
36 I just would note there are state requirements that it does have to be in what's defined
37 as a residential district and the speed limit does have to be 35 miles an hour or less
38 unless you're in a school zone in which the school zone applies so.

39
40 Councilmember Floreen,
41 Yeah , there are some places --.

42
43 Linda McMillan,
44 There are some restrictions in the law. It can't just be used everywhere.



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Councilmember Floreen,

Oh I know, but there are a number of locations along Connecticut where that does apply and I would urge your special attention to that and of course we will forward to you the others. Okay, so this will be a multiyear program based on an annual appropriation? (multiple speakers) –so you expect additional cameras will be acquired over time.

Chief Tom Manger,

Yes. Well, I think Nick is going to answer that.

Nick Tucci,

Ms. Floreen, our budget has a base for six fixed sites a year and the six mobile which we are deploying now. So In our base budget there's an opportunity each year to add at minimum of six fixed sites as they fit the criteria so over time that could certainly build on its own. But if we're finding it necessary to increase the number of fixed sites, you know, at a more rapid pace then we will have to discuss that with the County.

Councilmember Floreen,

Well, I would certainly urge you to bring it to us if that is something that seems to be warranted, I think in the view of the public, that's warranted. But we'll obviously have to have that conversation. But I think that's, it's a great advancement. I know it took a lot of work done with the legislature and I think, I guess the actual fines and things went into effect last week, right? So you are just starting to -- .

Chief Tom Manger,

Well, but the warning, if the month long warning phase taught us anything it's that there is a tremendous problem with speeding on our roadways and there's a tremendous number of people that are going to be repeat offenders.

Councilmember Floreen,

Indeed.

Chief Tom Manger,

And we've already seen that.

Councilmember Floreen,

Indeed, so they will be, this will be brought to their attention right now.

Chief Tom Manger,

Yes.

Council President Praisner,

Well, if I can comment on that, there are also, I think, important issues as the Chief and I have discussed to make sure that we implement this program in a way that doesn't



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1 undermine, in the long run, goals and desires by counties across the state to have this
2 program and also it's basically a pilot from our perspective too. So, the critical piece was
3 having criteria and having those roads evaluated meeting that criteria and assigning the
4 cameras based on the highest need meeting the criteria and I think it's going to be
5 important for us as we go through this process to make sure that we keep on track of
6 those issues because there's a lot of folks watching us, including a lot of skeptics in this
7 process.

8
9 Councilmember Andrews,
10 Right. Absolutely right, so that's the approach the department has pursued and the
11 Committee has met with the department several times to review the implementation and
12 we'll continue to have regular meetings. We'll have some good data soon about how it's
13 going and how, we do have, in fact the County Council is charged in the law in reporting
14 in 2009 back to the state about the success of the program.

15
16 Council President Praisner,
17 Right.

18
19 Councilmember Andrews,
20 So we have to be very up on it and have a good case to make so that it is renewed
21 when the time comes. Let me ask one question. I'll turn to Councilmember Leventhal.
22 What's the status of the video cameras in the patrol cars? It seems to me that that's
23 something that would improve both officer safety and accountability, police
24 accountability to the public.

25
26 Chief Tom Manger,
27 Still in negotiations. What's the date for the, goes to arbitration?

28
29 Commander Davis,
30 The dates proposed to the arbitrator were June 21st and 22nd. I have not heard that
31 those have been finalized.

32
33 Chief Tom Manger,
34 But the issue I guess for the Council is the cost, I mean, what we were hoping was that
35 we could get, once it's negotiated, get a hundred cameras out in the first year and the
36 cameras are about \$5,500 a piece so it's a significant amount of money. It's not
37 currently in our budget.

38
39 Councilmember Andrews,
40 Right, I understand. Okay, alright.

41
42 Councilmember Leventhal,



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1 Just very quickly, I just wanted to say there may be skeptics about civil liberties issues
2 with speed cameras but overwhelmingly what I hear is every neighborhood wants one.
3 Every single street. Overwhelmingly people want them.

4
5 Councilmember Andrews,
6 Right and Madam President, one more thing.

7
8 Council President Praisner,
9 Yes.

10
11 Councilmember Andrews,
12 I wanted to have Linda McMillan make a comment about the replacing the grant funds --
13 in the budget.

14
15 Linda McMillan,
16 Just that as the Committee's recommendation includes a reduction of \$104,640 which
17 were General Funds proposed to replace the part year of grant funds for a lieutenant
18 who was added at the behest of National Capital Region and the Committee felt that we
19 should continue to advocate for grant funds and ask for any information they needed to
20 work with COG to get grant funds so we are going to assume the position continues but
21 that it will continue to be grant funded in FY08 which results in \$104,000 reduction. And
22 I also just did want to correct one thing in the packet. There are five new crossing
23 guards added, four of them are being charged to the CIP for the Silver Spring Transit
24 Center and will be there in the interim period while it's under construction.

25
26 Council President Praisner,
27 So, then is the assumption after that interim period that those positions go away or the
28 assumption that after that, by that time we will have expanded where crossing guards
29 are needed for other reasons. Well, can somebody get back to me with an answer to
30 that question? Because if they are charged to the CIP now, they won't be charged to the
31 CIP once that project is there.

32
33 Unidentified
34 Yeah.

35
36 Council President Praisner,
37 Sort of like grant funds.

38
39 Councilmember Andrews,
40 I want to thank Linda McMillan for an excellent packet. Very clear. Always does a great
41 job.

42
43 Council President Praisner,



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1 Okay, if there are no other questions then the committee's recommendation, oh I know,
2 I had a question. We discussed the C-Safe issues relative to the Takoma Park but
3 we've had C-Safe funds elsewhere. What is happening with the other sites associated
4 with C-Safe?

5
6 Nick Tucci,
7 Actually the grants were just recently approved. We haven't seen the actual
8 documentation. Some components were erroneously sent over to the County Exec's
9 Office today and we just picked them up.

10
11 Council President Praisner,
12 Does that mean that there would be C-Safe grant funds in the, for Councilmember
13 Ervin's request or is that C-Safe money in the other locations?

14
15 Nick Tucci,
16 I can't answer to the Takoma Park one. I know that our three C-Safe in Silver Spring,
17 Germantown and Wheaton appear to be renewed again.

18
19 Council President Praisner,
20 -- Avenue one.

21
22 Linda McMillan,
23 My understanding is that the worker that the request is about was previously funded
24 through the Youth Strategies Initiative Grant which was a separate grant which was
25 received by the Collaboration Council. That grant fund has completely, that source has
26 completely gone away. It's not that it wasn't requested. It's completely gone away at the
27 Governor's Office of Crime Control and Prevention.

28
29 Council President Praisner,
30 Alright. That's another issue that obviously we can talk about with the Governor's Office
31 over time. Okay.

32
33 Councilmember Andrews,
34 One more thing.

35
36 Council President Praisner,
37 Yes.

38
39 Councilmember Andrews,
40 Move that we give Nick Tucci a round of applause.

41
42 Council President Praisner,
43 (applause) Nick you have been a terrific asset for the department and it's been fun
44 having you at the table. I don't know if you felt it was fun all the time but thank you for



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1 being so forthcoming again. We know this is a stressful time for the police department.
2 We will see you for the fallen heroes and the memorial items later this week.

3
4 Nick Tucci,
5 Right.

6
7 Council President Praisner,
8 Thank you all very much. The Council stands adjourned for today.
9